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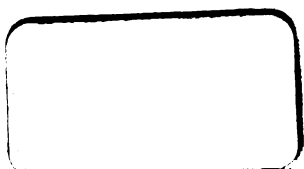
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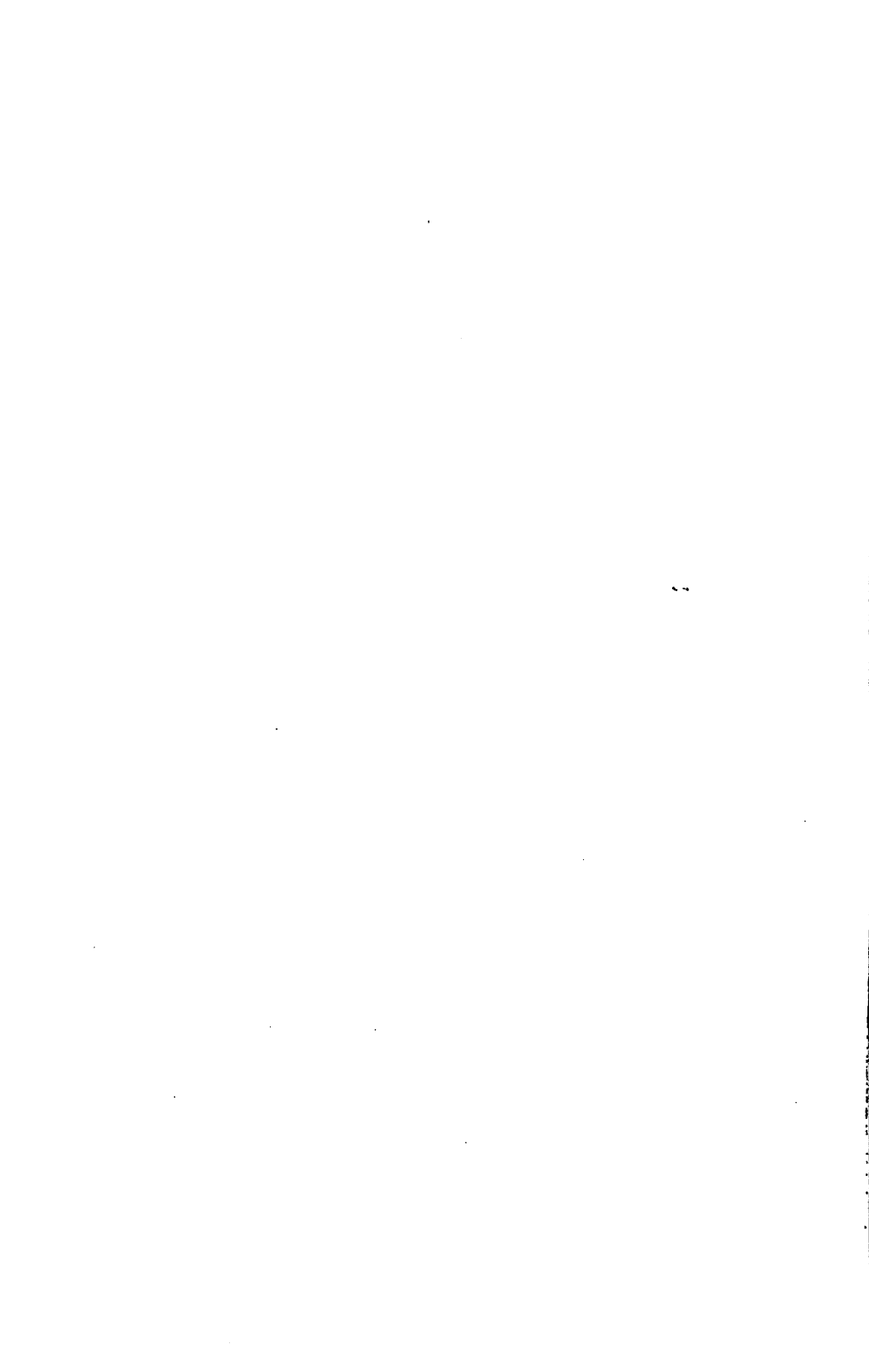
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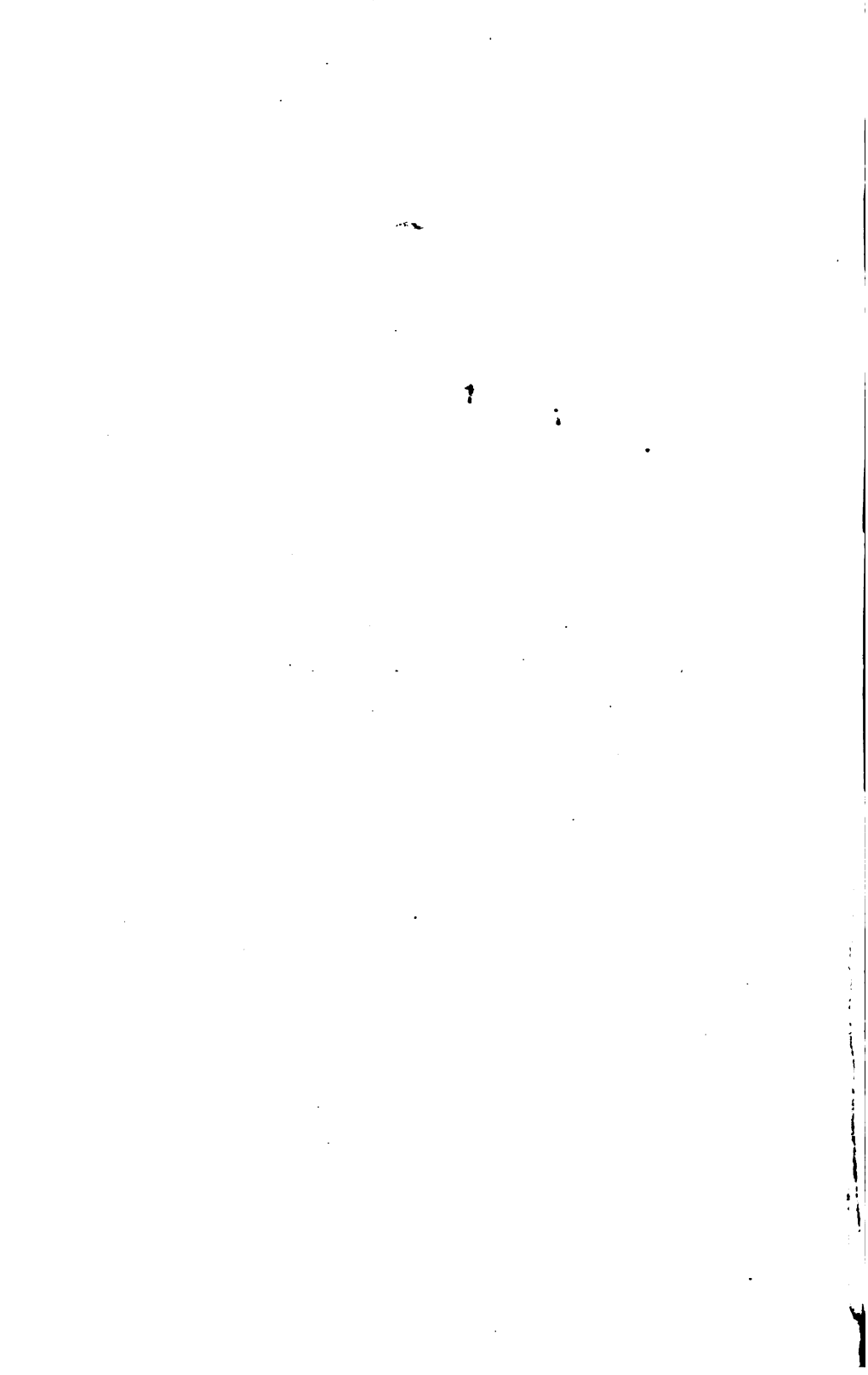




*A. Kennedy*

THE

DEVELOPMENT OF PARLIAMENT



THE  
DEVELOPMENT OF PARLIAMENT  
DURING  
THE NINETEENTH CENTURY

BY  
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## PREFACE

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THE OBJECT of the following pages is twofold. First, to recount, as briefly and clearly as may be, the process of the 'democratisation' of Parliament; secondly, to put what appears to me to be one of the most important questions to which that process has given rise—the question of the competence of a democratic House of Commons to direct to a satisfactory issue the socialistic tendencies of the future.

It would have been easy for me to expand my materials into a larger book, to insert in the text much that I have relegated to notes, and to add much which I have omitted altogether. But I have preferred to aim, above all things, at clearness and brevity, in the hope that what I have written may be read, if not by the general public, at any rate by some who are not professional

students, and have not the time to spare for the perusal of bulky and prolix works. At the same time, I have endeavoured to make my statements as accurate as possible, and to give my authorities fully and correctly. That I have avoided errors altogether I cannot venture to anticipate; I can only hope that they may be few, and apologise for them beforehand.

KING'S COLLEGE, CAMBRIDGE.

# CONTENTS

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## CHAPTER I

### THE FIRST STEP TOWARDS DEMOCRACY

	PAGE
Introduction . . . . .	1
The Franchise before the Reform Bill of 1832 and the Control of Parliament by the Aristocracy . . . . .	8
The Theory of Representative Government held by the Aristoc- racy . . . . .	9
The Whig View of Reform . . . . .	15
The Criticism of the Aristocracy by the Middle-class Reformers .	21
Early Democratic Theories . . . . .	27
The Middle-class View of Reform . . . . .	38

## CHAPTER II

### THE FURTHER TRANSITION TO DEMOCRACY

The Reform Bill of 1832 . . . . .	40
Its Effect on the Power of the Aristocracy . . . . .	41
The Responsibility of the Aristocracy for the Disturbance of the Settlement of 1832 . . . . .	47
The Theory of Representative Government held by the Aristoc- racy after 1832 . . . . .	55
Its Instability . . . . .	58
The further Extension of the Franchise after 1832 . . . . .	60
Representation of Minorities . . . . .	69
Redistribution of Seats . . . . .	72
The Bribery Laws and the Ballot Act . . . . .	75
The Conversion of the Representative into a Delegate . . . . .	77
The Revolution in Local Government . . . . .	86

## CHAPTER III

## THE HOUSE OF LORDS

	PAGE
The Change in the Relation of the Lords to the Commons . . . . .	98
The Conflicts of the Lords with the Commons . . . . .	100
The Key to the Policy of the Lords . . . . .	105
The Lords and the Extension of the Suffrage . . . . .	108
The Lords and the Universities . . . . .	113
The Lords and Jewish Disabilities . . . . .	115
The Lords and the Irish Church . . . . .	115
The Lords and Property . . . . .	118

## CHAPTER IV

THE INTERPRETATION OF DEMOCRACY BY THE  
WORKING-CLASS

The General Character of the Political Movement in the Working-class . . . . .	125
Early Socialism . . . . .	126
Robert Owen's Agitation . . . . .	134
Chartism . . . . .	139
The Period of Individualism . . . . .	146
The Recrudescence of Socialism . . . . .	150

## CHAPTER V

## THE PRESENT SITUATION

The Bearing on the Theory of Democracy of the Political Divi- sion into the Rich and the Poor . . . . .	160
The House of Commons and the Actual Situation . . . . .	162
The House of Commons and the Will of the People . . . . .	169
The Referendum . . . . .	172
The Question of a Second Chamber . . . . .	175
The House of Commons and the Empire . . . . .	178

THE  
DEVELOPMENT OF PARLIAMENT  
DURING  
THE NINETEENTH CENTURY

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CHAPTER I

*THE FIRST STEP TOWARDS DEMOCRACY*

DURING the course of the last sixty years a revolution has been effected in the government of England. The power has been transferred from the control of a compact and vigorous aristocracy to that of a democracy which in fact, though not in outward form, is more complete and more uncontrolled than any at present existing in any first-class State. So rapid has the transition been, and at the same time so quiet, that we have hardly realised that it has been taking place. There has been no violence, no overt change of principle; all that has been done has been done in the name, and under the forms, of the same constitution that supported a monarchy in the sixteenth and an aristocracy in the eighteenth century. Yet the transformation is fundamental, as we are just

beginning to perceive. With astonishment we awake and rub our eyes, asking ourselves whither we have been tending and where we are likely to end. Such a question hardly admits of a reply that should be at once simple and adequate, nor is it the purpose of the following pages to attempt one. All that is proposed is to bring into relief a certain aspect of the case which appears to be of immediate importance ; to show that while the transition in question has been achieved with the consent and even at the initiation of the governing class, yet in accomplishing it they not only have not avowed but have explicitly repudiated the democratic creed ; that thus they have become the instruments of a revolution which they did not intend and which they cannot interpret ; but that the interpretation which they have never seized has been given from the first, as it is being given now, by the majority into whose hands they have resigned the power. From these conditions arises the problem of present politics which will be considered in the concluding chapter.

The first step in the transition of which we are to trace the course is the Reform Act of 1832. Because it was the first, it was the most vigorously opposed and therefore the most vigorously supported. But though it evoked in its defence a violent popular agitation, it was not forced upon the aristocracy by the people ; it was deliberately and voluntarily introduced by one section of the govern-

ing class and carried by them against the other with the help of the populace. How then did it come about that a strong and capable aristocracy should have brought themselves to initiate a measure which has been shown, by the course of events, to have been nothing more or less than an abdication? Here is the starting-point of our historical inquiry.

The aristocracy of England in the eighteenth century occupied a peculiar position. While they were supreme in fact, their supremacy was exercised under the forms of a constitution which contained, in theory at least, a popular element. The House of Commons, as we read in so conservative an authority as Blackstone, ought, if only it safely could, to have been elected freely by the votes of all citizens, however mean. 'If it were probable,' he says, 'that every man could give his vote freely, and without influence of any kind, then, upon the true theory and genuine principles of liberty, every member of the community, however poor, should have a vote in electing those delegates to whose charge is committed the disposal of his property, his liberty and his life.'<sup>1</sup> 'This,' he con-

<sup>1</sup> Ed. 1770, Book I., chap. ii., p. 171. Reformers also quoted the passage from Sir Thomas Smith: 'Every Englishman is intended to be present' in parliament, 'either in person or by procuration and attornies . . . from the prince to the lowest person of England. And the consent of the Parliament is taken to be every man's consent.' But they omitted to refer to the passage in the same work where all the population below the 40s. freeholders are said to 'have no voice or authority in our commonwealth; and no account is made of them, but only to be ruled, and not to rule others.' (*De Rep. Anglorum*, ed. 1583, pp. 35 and 33.)

tinues, with unconscious irony, 'is the spirit of our constitution;' how far it was the practice is sufficiently notorious. The franchise was not only not universal, it was not regulated by any principle at all, whether of property, intelligence, or birth. In the counties it belonged to the 40s. freeholders; in the boroughs to one or other section of the inhabitants, here to the members of the corporation, here to the freeholders, here to the potwallopers,<sup>1</sup> no rule for the privilege being discernible, and no intelligible end in its variety. Moreover, since the seventeenth century no new boroughs had been created, while many of the old ones had lost all importance, and some of them all but their parliamentary existence, so that the borough representation bore no proportion at all either to the wealth or the population of the country. 'Seventy of your members,' as it is pathetically remarked in a petition presented to parliament in 1793, 'are returned by thirty-five places . . . in which it would be to trifle with the patience of your honourable house to mention any number of voters whatever, the elections at the places alluded to being notoriously a mere matter of form.'<sup>2</sup>

Such an arrangement of the franchise was as favourable to the power of the aristocracy as it was unfavourable to popular representation. In the

<sup>1</sup> Potwallopers are defined as 'Such as cooked their own diet in a fire-place of their own' (Mozley and Whitely, *Law Dictionary*).

<sup>2</sup> Petition drawn up by the Society of Friends of the People, and presented by Grey in 1793.

counties the influence of the landed gentry was naturally supreme, by virtue at once of their economic position and their social prestige; but under the existing system it was further extended to the boroughs. The members returned to Parliament by 'a green mound' or 'a stone wall with three niches in it'<sup>1</sup> were nominees of the gentlemen on whose estates these remains of former cities stood; the few insignificant electors of a little county town were not likely to oppose the will of the resident landlord; and, even if opposition were attempted, it was not difficult to meet it. Votes might be created, if necessary, by the division of freeholds;<sup>2</sup> burgage tenants might be induced to sell under penalty of a worse fate;<sup>3</sup> and when intimidation failed there was always the resource of bribery. The franchise, indeed, as often as not, was regarded by its possessors as a means of making money. Votes were known to fetch as much as 100*l.* apiece;<sup>4</sup> 20*l.* was not an uncommon average; and in the corporate towns it was noticed that as a general election approached

<sup>1</sup> Speech of Russell on the Reform Bill, Hansard, vol. ii., p. 1064.

<sup>2</sup> At Weymouth, we are told, 'two hundred freeholds were split into two thousand, and freeholders of Weymouth were to be found in London, and in almost all the towns and villages to the Land's End in Cornwall.' Oldfield, *Representative History*, vol. iii., p. 884.

<sup>3</sup> 'If a freehold or burgage tenant refused to sell, it was not a very uncommon practice to blow up his house with gunpowder and thus disfranchise a political opponent.'—Lord John Russell, *Recollections and Suggestions*, ed. 1875, p. 85.

<sup>4</sup> At the Liverpool election in 1830. See Greville's *Journal of the Reigns of King George IV. and King William IV.*, vol. ii., p. 79.

the number of freemen would be suddenly increased owing to the pecuniary value of the vote.<sup>1</sup> As the general result of these conditions we are not surprised to find that the majority of the boroughs were regarded as the property of certain proprietors, whose names are to be found printed in Oldfield's 'Representative History';<sup>2</sup> that by these proprietors they were commonly sold for sums which ranged as high as 5,000*l.* for a single parliament;<sup>3</sup> and that advertisements appeared in the newspapers, of which the following may serve as a characteristic example: 'A certain great assembly: 1,400 guineas per annum will be given for a seat in the above assembly.'<sup>4</sup>

This system, indeed, had one advantage, that it enabled independent men to buy their way into Parliament, and so escape the necessity of submitting to a patron; it was thus, for example, that Sir Samuel Romilly obtained his seat. But such cases were comparatively rare. The majority of

<sup>1</sup> See the *Report of the Commissioners on Municipal Corporations*, 1885.

<sup>2</sup> Here, for example, are some characteristic entries: Chippenham, number of voters, 128; proprietors, John Maitland, Esq., and Charles Burke, Esq.; Bewdley, number of voters, 18; patron, Mr. Roberts. Dunwich, number of voters, 14; proprietors, Lord Huntingfield and Snowdon Barnes, Esq.

<sup>3</sup> 'A seat for the whole duration of a parliament was sold for 5,000*l.* But as parliaments were subject to sudden death prudent men made a bargain to pay 1,000*l.* a year so long as they sat in the House of Commons.'—Sir Samuel Romilly, *Memoirs*, vol. ii., p. 200; cf. Russell's *Recollections and Suggestions*, pp. 85–86; and Trevelyan's *Early Life of Charles Fox*, ed. 1881, p. 135.

<sup>4</sup> *Morning Chronicle*, May 2, 1807.

the borough seats were filled by nominees of the aristocracy, and in this way members of the House of Lords practically controlled a considerable portion of the representation of the Commons. Of the six hundred and fifty-eight members of the Lower House it was calculated that not more than a hundred and seventy could be described as independent; the whole of the remainder were returned by patrons, and nearly one-half of the whole number by peers.<sup>1</sup>

But of all the influences brought to bear upon the House of Commons, the most important was that of the minister in power. Not only did he control the representation of a large number of the boroughs, either by purchase or through the votes of government officials,<sup>2</sup> but he was also in a position to bribe those who were not his nominees. This, indeed, was a recognised part of his business, and the usual mode of securing a majority. Representatives who had bought their seats expected a return for their money. As Romilly puts it: 'Many men who buy seats do it as a matter of pecuniary speculation, as a profitable way of employing their money; they carry on a political trade; they buy their seats, and sell their votes.'<sup>3</sup> A place in

<sup>1</sup> Oldfield's *Representative History*, vol. vi., p. 300. Cf. the petition presented by Grey in 1793, where it is stated that 84 individuals return 157 members, 40 peers 81 members, and so on. — *cf.*

<sup>2</sup> 'The truth is,' says Romilly, in 1807, 'that the new ministers have bought up all the seats that were to be disposed of at any price.'—*Memoirs*, vol. ii., p. 200. In 1782 Lord Rockingham declared that seventy elections were controlled by the votes of revenue officers. Hansard, vol. xxiii., p. 101.

<sup>3</sup> Romilly, *l. c.*

parliament was a career, and one of the most lucrative of careers. The capital invested in the purchase of a seat returned a high percentage, and a pension or a sinecure, a profitable contract, or an interest in a public loan was the recognised reward of a vote conscientiously reserved for the minister in power. On occasions even cruder methods were employed, and the gratification took the form of money down. A quotation from Walpole may serve to illustrate the point. In 1762, he says, 'members flocked to the Pay Office, and received the wages of their venality in bank-bills, even to so low a sum as 200*l.*, for their votes on the treaty; 25,000*l.* were issued in one morning, and in a single fortnight a vast majority was purchased to approve the peace.'<sup>1</sup> Under these conditions it is clear that the power of the Commons to check the executive was seriously impaired, and that under a strong king or a strong minister the government might really degenerate for a time into something like a despotism.

Such then, in brief, was the position of the aristocracy in the eighteenth century. Its weakness, it will be perceived, resided in two points. In the first place, the constitution, which in practice was the tool of a privileged class, in theory admitted a popular element. The House of Commons was supposed to be composed of representatives of the people; it was composed, in fact, of

<sup>1</sup> *Memoirs of the Reign of George III.*, ed. 1845, vol. i., p. 199.

nominees of the aristocracy, introduced and controlled by open and avowed corruption. From this point of view the position was exposed to a double attack; on the one hand the theory was discrepant with the fact, on the other the discrepancy was maintained by a gross and notorious abuse of influence. x

In the second place the very machinery which made possible the predominance of the aristocracy in the lower house made possible also the independence of the executive. By influence, direct or indirect, at the elections or in the house, the minister could buy a majority. But behind the minister stood the crown; and a strong or an obstinate sovereign, as was shown in the case of George III., might initiate and carry through a disastrous policy, in defiance of the opposition not only of the people but of the governing class. Here, then, was an internal contradiction in the system; by the very means which they employed to govern, the aristocracy lost the power of government; and, as we shall see, it was through the dread of an administrative despotism that they were driven into the path of reform. ✓

For reform, as we have said, proceeded from the ranks of the aristocracy itself, and to this is to be attributed the particular shape it assumed. The explanation of the provisions of the Reform Act of 1832 lies in the character of Whig opinion; and it is to this topic that we must now address ourselves. ✓

The modern man, looking back over the system that has just been described, has no difficulty in recognising the necessity of reform. But that is because he is unconsciously imbued with the democratic ideal, and makes assumptions which would never have been admitted by an aristocrat of the eighteenth century. He assumes that representation of the people means the representation of numbers; but that is precisely what was denied by every section of the aristocracy. Whigs as well as Tories were emphatic in their repudiation of the whole theory of democracy, either as an ideal for the future or as the tradition of the past. The House of Commons, in their opinion, never did, never could, and never ought to represent 'the people,' in the sense of the numerical majority. Pitt, in his reforming days, and Fox are as clear upon this point as Burke or Peel or the Duke of Wellington. 'For myself,' said Pitt in 1783, 'I utterly reject and condemn the mode of election by universal suffrage, which it is impossible for me to adopt, without libelling those renowned forefathers who framed the Constitution in the fulness of their wisdom, and fashioned it for the government of free men, not of slaves.'<sup>1</sup> Equally uncompromising is Fox in 1793: 'However he might have been misrepresented out of doors, there was not in the kingdom a more steady and decided enemy to general and universal representa-

<sup>1</sup> *Speeches*, ed. 1817, vol. i., p. 47.

tion than himself.'<sup>1</sup> And what was true of the reforming section of the Whigs was true *a fortiori* of the Tories. On this point, at least, the whole governing class was at one, that representation of the people did not and ought not to imply the representation of numerical preponderance.

On the other hand they believed that, in a certain sense, the House of Commons did represent the people. It represented, in their view, the various interests of the country; and this, they thought, it was enabled to do by virtue of that very constitution which the modern man condemns without a hearing. It was precisely, they affirmed, because the franchise was unequally and capriciously distributed that the House of Commons was a real epitome of the nation. Under a system of universal suffrage every section of the people in a minority would be deprived of political existence; under the system in force there was no section, however small, that had not a chance of sending a member to parliament. One borough, for example, might be controlled by the middle class; another by the potwallopers, the poorest and humblest of the people. Here the seat might be presented to a promising youth of genius; here it might be purchased by a lawyer, a doctor, or a wealthy colonist. And while on the one hand the system was elastic enough to admit of these superficial variations, on the other it was broadly based on

<sup>1</sup> *Speeches*, ed. 1815, vol. v., p. 97.

the two great interests of the country, that of the land, represented by the counties and the smaller towns, and that of commerce, represented by such cities as London and Liverpool.

Such is the view of the constitution which was constantly upheld by the aristocracy against the various propositions of reform. 'There have been statesmen,' said Croker in the debate on the Bill of 1832, 'Pitts and Foxes, Burkes and Cannings, who looked at the constituent classes not merely numerically; who saw in the body of the people various interests, various localities, various pursuits, and various conditions of persons and property; but our new Justinian has very different views.'<sup>1</sup> Nor was the theory confined to those who opposed reform; it is substantially accepted by Lord John Russell in his 'Essay on the History of the English Government and Constitution,' and reappears, as we shall see, in the utterances of both Liberals and Conservatives for years after the date of the first Reform Act.

From this position it follows that what appear to the modern man to be palpable defects in the eighteenth-century system were regarded by the statesmen of the time as its highest merits. 'For my part, sir,' said Canning in 1822, 'I value the system of parliamentary representation for that very want of uniformity which is complained of

<sup>1</sup> Hansard, vol. iii., pp. 94, 95. Cf. *ibid.* p. 642; vol. ii., p. 1846; and vol. ix., p. 372.

in this petition—for the variety of right of election.’<sup>1</sup> And so able a man and so convinced a reformer as Francis Horner writes (1809): ‘I see a good deal of practical benefit result, even to the interest of liberty and popular rights, from the most rotten parts of the constituent body.’<sup>2</sup>

The House of Commons then, upon the aristocratic view, was not, and never had been intended to be, a sort of arithmetical machine for counting heads; and, upon the same principle, its members were not conceived as mere symbols of such and such a quantitative value. A member was not a delegate; he was a representative. ‘This House,’ said Sir Robert Inglis in 1832, ‘is not a collection of deputies, as the States-General of Holland and as the assemblies in some other continental countries. We are not sent here day by day to represent the opinions of our constituents. Their local rights, their municipal privileges we are bound to protect; their general interests we are bound to consult at all times; but not their will, unless it shall coincide with our own deliberate sense of right.’<sup>3</sup> It followed that, even supposing the House of Commons should find itself for a time in opposition to the people, this was not necessarily either a contradiction or an evil. It proceeded, naturally enough, from the true theory of

<sup>1</sup> *Speeches*, ed. 1836, vol. iv., p. 343.

<sup>2</sup> *Mem. and Corr. of Francis Horner*, vol. i., p. 494.

<sup>3</sup> *Hansard*, vol. ii., pp. 1095–6.

the constitution, and might well be an advantage rather than the reverse.<sup>1</sup> The House was representative of the people, but only in the long run ; meantime, temporary discrepancies would occur, but these there was no particular reason to regret.

So far we have been considering the view held by the aristocracy of the relation of the House of Commons to the people ; but the Commons had a further relation to the other branches of the Government, to the Crown and to the House of Lords. And here, too, what appeared as an anomaly, when considered by itself and apart, was regarded as necessary and normal, when considered in its relation to the whole. The influence of the Crown and of the Peers in the elections to the Commons would, indeed, have been an absurdity had the latter been supposed to be an independent body. But, in fact, it was not ; it was one member of a trinity ; and its partial determination by the other factors in the scheme was precisely the condition of harmony between what would otherwise have been conflicting and discordant powers. As the Duke of Wellington expressed it with his habitual common sense : ' There is no man who considers what the government of King, Lords, and Commons is, and the details of the manner in which it is carried on, who must not see that government will become

<sup>1</sup> See, e.g., *Canning's Speeches*, vol. iv., p. 876.

impracticable when the three branches shall be separate, each independent of the other, and uncontrolled in its action by any of the existing influences.’<sup>1</sup>

The theory which has thus been briefly analysed was that held by all sections of the governing class,<sup>2</sup> and it was only within its limits that the divergence on the question of reform came in. To Tories, on the one hand, the system, exactly as it was, was as good as a system possibly could be; it was ‘our present happy constitution—the happiest, the best, and the most noble constitution in the world, and I do not believe it possible to make it better.’<sup>3</sup> Any change must be a change for the worse, nay, it must be the prelude to a radical subversion, for there was no principle authorising reform which would not also authorise revolution. Even Canning here is substantially at one with the rank and file of the party. ‘If this House,’ he says, ‘is not all that we could wish it, I would rather rest satisfied with its present state than, by endeavouring to remedy some small defects, run the hazard of losing so much that is excellent.’<sup>4</sup> And this attitude of the Tories was also that of

<sup>1</sup> Hansard, vol. vii., p. 1202.

<sup>2</sup> No doubt there were individual exceptions. The Duke of Richmond, for example, proposed in 1780 a measure of manhood suffrage. — 96

<sup>3</sup> The Lord Justice Clerk in the Trial of Muir, 1793. *State Trials*, vol. xxiii., p. 132.

<sup>4</sup> *Speeches*, vol. iv., p. 360.

one school of the Whigs. Burke, on this point, may be classed with Wellington and Peel. For though he admitted, it is true, that if ever the time should come when the people should really be set upon reform, it would then be necessary to concede it, yet, clearly, he considered such a contingency to be as improbable as it would be disastrous. Of administrative reform, within the limits of the established system, he was an avowed and active champion; but to any alteration in the franchise he was consistently opposed. 'Our representation,' he said, 'has been found perfectly adequate to all the purposes for which a representation of the people can be desired or devised. I defy the enemies of our constitution to show the contrary.' And so profoundly was he convinced not only of the perfection but of the finality of the institutions of his time, that he does not hesitate to add: 'We are resolved to keep an established church, an established monarchy, an established aristocracy, and an established democracy, each in the degree it exists, and in no greater.'<sup>1</sup>

But, on the other hand, there was another school of Whigs who, without impugning the general theory of the constitution, yet conceived that it might be possible and even necessary to modify it in detail. Institutions, in their view, must change with the change of circumstances; such had, in fact, been the maxim of the past, and

<sup>1</sup> *Reflections on the French Revolution.*

they were the true Conservatives who applied it to the present. 'The greatest innovation,' according to Fox, 'that could be introduced in the constitution of England, was to come to a vote that there should be no innovation in it. The greatest beauty of the constitution was, that in its very principle it admitted of perpetual improvement, which time and circumstances rendered necessary. It was a constitution, the chief excellence of which was that of admitting a perpetual reform' <sup>1</sup> (1792).

To Whigs who examined from this point of view the practical working of the constitution, it appeared, not indeed that its structure was vicious or unsound, but that in the course of time it had developed certain definite abuses which admitted of equally definite remedies. The evil as it was analysed by the Whig reformers centred about one point, the influence of the crown and the ministry. It was during the latter years of the American war that this abuse began to make itself felt. The war, in its later development, was at once unpopular and calamitous; it was continued, against the clear sense of the nation, by the personal influence of the king, exercised through the minister and his bought majority; and it ended in the loss of the American colonies. These were the facts that gave rise to the reform agitation of 1780. The executive had been clearly at variance with the nation, and equally clearly it

<sup>1</sup> *Speeches*, vol. iv., p. 410.

had been wrong. Attention was naturally drawn to the conditions that made possible such a disaster, and they were found to depend upon the influence of the crown on the Commons. As Pitt put it in 1783: 'The disastrous consequences of the American war, the immense expenditure of the public money, the consequent heavy burden of taxes, and the pressure of all the collateral difficulties produced by the foregoing circumstances gradually disgusted the people, and at last provoked them to "turn their eyes inward on themselves," in order to see if there was not something radically wrong at home. That was the chief cause of all the evils they felt from their misfortunes abroad.'<sup>1</sup> The result was the 'county movement' of 1779 and 1780, which issued in the abortive motion introduced by Pitt to abolish the representation of certain of the smaller boroughs and transfer it to the more independent county electorate.

The American war was the clearest and most palpable example of the consequences to be feared from the personal influence of the Crown, but from that time onward the question was never dropped. In the circumstances of the great French war Fox imagined that he saw a repetition of those of the war with America; in both he maintained that a contest which was unpopular and unjust had been perpetrated against the declared sense of the nation by the corrupt influence of the minister in power;

<sup>1</sup> *Speeches*, vol. i., p. 45.

and in 1797 he supported the cause of reform against Pitt, on precisely the same grounds that had been advanced by Pitt himself in 1783.<sup>1</sup>

After the peace, the same point of view recurs. The disturbed state of the country, from 1815 on, provoked the government to drastic measures. The Habeas Corpus Act was suspended, and the right of free speech and of public meeting practically suppressed. Once more it was felt that the liberties of the subject were not safe, that the government was approximating to an irresponsible tyranny; and Lord John Russell, writing in 1823, is so far from anticipating the advent of democracy that he professes to fear the extinction of the constitution in a despotism. 'The influence of the Crown has increased to an alarming extent, and the recurrence of periods of popular ferment, instead of checking this influence, as it was wont to do in old times, is made the occasion of passing new laws, chipping away something every time from the established liberties of the nation. It seems impossible to imagine signs more unfavourable to the maintenance of freedom, or more ominous of that despotism which Mr. Hume has styled the euthanasia of the constitution.'<sup>2</sup>

It seems clear, then, that it was dread of the influence of the sovereign and his ministers that was the main motive swaying the Whigs to reform.

<sup>1</sup> See his speech of May 26, 1797.

<sup>2</sup> *Essay on the History of the English Government and Constitution*, ed. 1823, p. 455.

But that influence was exercised mainly through the medium of the smaller boroughs. These were the seats that were open to purchase, and for which such members were returned as were ready to sell themselves to the government. It was observed that every attempt to introduce retrenchment or reform was defeated by a solid phalanx of borough members.<sup>1</sup> They, then, were the root of every public evil, of disastrous expeditions, of extravagant finance, of the debt, the increased taxation, and the consequent disturbance and distress. It followed that if the control of the executive was the object of the Whigs, the means to that control was a reform in the machinery of representation.

Of this attitude of the Whigs the Act of 1832 is the clearest record and exponent. Its object was to disfranchise all the boroughs which were most obviously open to sinister influences, and by transferring the seats thus gained to the counties and the larger towns to replace the nominees of a Tory government by members of more independent, perhaps of more whiggish views. But never for one moment did the Whig ministry intend to alter the essential character of the House. In the changes they introduced they were bound, it is true, to be guided to some extent by considerations of property and numbers. But, as they were careful to explain, it was never their idea to accept

<sup>1</sup> See the examples given by Russell in the same work.

either wealth or population as a sole and sufficient basis of representation ;<sup>1</sup> ' wealth, probity, learning, and wit ' are all to be considered ;<sup>2</sup> more than one hundred seats are still preserved to the smaller boroughs, to represent the general interest of the nation against the particular interests of localities ;<sup>3</sup> the supremacy of the landed interest is to be maintained ;<sup>4</sup> the influence of the peers, if anything, is to be increased ;<sup>5</sup> and the balance of the powers in the constitution is to be maintained.<sup>6</sup>

Whether we consider, therefore, the theory held by the aristocracy as a whole, or the particular modification of it which prompted the Reform Act of the Whigs, it is clear that that Act was never intended by the governing class either to be or to lead to a fundamental change in the constitution of the House of Commons ; it was not directed primarily against inequality of representation as such, but against certain specific abuses which were supposed to have resulted incidentally therefrom, and especially against the increasing influence of the Crown and the ministry.

But the views and the intentions of the aristocracy were but one factor in the situation. For though it was the Whigs who introduced the Bill, it was popular agitation from without that

<sup>1</sup> See, e.g., Russell's speech, Hansard, vol. iii., p. 1519.

<sup>2</sup> *Ibid.* vol. ii., p. 1086.

<sup>3</sup> *Ibid.* vol. iv., p. 338.

<sup>4</sup> See, e.g., Althorpe's speech, *Annual Register*, 1832, p. 30.

<sup>5</sup> Hansard, vol. vii., p. 934.

<sup>6</sup> *Annual Register*, 1831, p. 245.

carried it through. No measure that has ever been introduced, from that day to this, has excited an enthusiasm in any way comparable to that of 1832; and there can be little doubt that, unless the House of Lords had been forced to yield, violent revolution would have ensued. As it was, the agitation was pushed to the extreme limit of legality—the Commons were petitioned to withhold supplies;<sup>1</sup> the public were invited to refuse taxes, and to paralyse industry by a run upon the banks;<sup>2</sup> and, as a last resort, a plan of armed insurrection had actually been made out. Such a popular upheaval, it might well be supposed, must be more significant of the real opinion of the nation than the wishes and hopes of the aristocracy; and it therefore becomes important to consider what the agitation really meant, and whether, or to what extent, it was based on democratic ideas.

One thing is clear to begin with. Whatever

<sup>1</sup> The Court of Common Council of the City of London presented a petition to that effect. See the account by Francis Place preserved in the British Museum, *Add. MS.* 27798, f. 29 and f. 43.

<sup>2</sup> *Add. MSS.* 27789, f. 253; 27790, f. 11; 27794, ff. 38 and 152. In May 1832, the following placard was distributed: 'I, John Bull, tired of oppression of boroughmongers, am now resolved to obtain my constitutional rights. Therefore I will not be taxed until I am represented. I will have a voice in choosing those who make the laws I am to obey. I will not continue to support the enemies of the people. I will call on the House to stop supplies. I will purchase only of those who refuse to pay the excise. I will not pay taxes in money. I will not pay rent to my landlord. I will not deal with any tradesmen who pay taxes in money. I will not take bank-notes. I will not trust the Funds, but I will have gold.'—*Ibid.* 27793, f. 181. Cf. the concise placard drawn up by Place, 'To stop the Duke, go for gold,' *ibid.* 27793, f. 148.

else the movement may have implied, it reflected, at any rate, an intense dissatisfaction with things as they were. This can be traced from the closing years of the eighteenth century, and may be referred to two main causes—the first, a general feeling of injustice in the exclusive predominance of a privileged class; the second, a yet keener sense of immediate practical grievances.

The jealousy and mistrust on the part of those who are excluded from power, which is the nemesis of all class government, was exaggerated in the particular case with which we are concerned by the belief that the government was also a usurpation. It was a fixed and ineradicable idea of the middle-class reformers that the House of Commons had once been a popular assembly. They knew that every freeholder, previous to the year 1430, had been entitled to vote for the members of the shires; this they interpreted as equivalent to manhood (or, at least, to household) franchise, and they regarded the Act which confined the vote to 40s. freeholders as a deliberate and arbitrary limitation of a constitutional right. Their interpretation was erroneous, but it gave them an effective argument; it lifted every grievance into exaggerated relief, and, taken along with the notorious fact that the government was based upon corruption, it goaded the whole movement for reform into an almost ludicrous excess. The result was an indictment, which may be briefly

summarised as follows :—The aristocracy are a sort of joint-stock company, exploiting the nation for their own ends by the most questionable and dis-creditable means ; the House of Commons is their instrument, stocked with the creatures of their will—‘idle schoolboys, insignificant coxcombs, led-captains and toad-eaters, profligates, gamblers, bankrupts, beggars, contractors, commissaries, public plunderers, ministerial dependents, hirelings and wretches that would sell their country or deny their God for a guinea.’<sup>1</sup> Working through such tools as these, the aristocracy have absolute control of the finance and the policy of the nation. Of this finance, the whole end and aim is to extort money from the poor in order to distribute it among the rich—‘to draw money,’ as Bentham puts it, ‘out of the pockets of the blinded, deluded, unsuspecting, uninquisitive, and even too patient people,’<sup>2</sup> and to bestow it in the form of pensions and sinecures upon their own dependents and relatives. Parliament may, therefore, appropriately be styled the ‘taxing thing,’ and its members the ‘tax-eating crew.’<sup>3</sup> In the performance of this important function the one

<sup>1</sup> Cartwright (Major John), *Legislative Rights of the Commonalty Vindicated*, introd., p. xii. ed. 1777.

<sup>2</sup> Bentham's *Works*, vol. iii., p. 489. Cf. Paine's *Rights of Man*. ‘That all public men are corrupt,’ says Romilly, writing in 1807, ‘and that the true interests of the country are disregarded in an unceasing struggle between contending factions for power and emolument, is an opinion spreading very fast through the country.’—Romilly, *Memoirs*, vol. ii., p. 211.

<sup>3</sup> Cobbett, *passim*.

object they keep in view is the maximum oppression of the people and the minimum inconvenience to the governing class. Land is, therefore, tenderly treated, for land is the property of the aristocracy; so are country mansions, for in them the aristocracy live; an income-tax is avoided, for to it the aristocracy must contribute, or, if it is imposed, it is abolished again on the first opportunity. Meantime, for the starving labourer not a single necessity is spared; he pays on his beer, his shoes, his candles, his soap, his tea, and his meat; his bread is raised to a famine price by the protective duties on corn, whose only object is to increase the rent that goes into the landlord's pocket; and if, in his distress, he is driven to kill a pheasant or a hare, he is hauled before a magistrate, who is also the owner of the game, and at a third offence may be transported for seven years.<sup>1</sup>

While such was the typical reformer's view of the domestic operations of the government, he was not less severe on their foreign policy. Here, too, he detected the same sordid ends and the same discreditable means. Did the aristocracy make war, it was to find pay for the army chiefs, or to suppress liberty abroad for fear it should assert itself at home. Did they found colonies, it was for the sake of the lucrative governorships. Did they

<sup>1</sup> The case against the aristocracy is set out in full, more conveniently than elsewhere, in a work entitled *The Extraordinary Black Book* (1831). It does not fall within the scope of the present work to discuss the truth of the indictment there drawn up.

maintain a peace establishment, it was to secure and perpetuate their own ascendancy. Why, for example, had they engaged in the great French war, that added five hundred millions to the debt? To protect the country against aggression? To restore to France her king? 'Believe it if you will,' says Cobbett; 'it is not so that I am to be deceived!' 'What they wanted was to prevent the landing, not of Frenchmen, but of French principles, that is to say, to prevent the example of the French from being alluring to the people of England. The devil a bit they care for the Bourbons. They rejoiced at the killing of the king. They rejoiced at the atheistical decree. They rejoiced at everything calculated to alarm the timid, and to excite horror in the people of England in general. They wanted to keep out of England those principles which had a natural tendency to destroy boroughmongering, and to put an end to speculation and plunder. Simply their object was this: to make the French people miserable, to force back the Bourbons upon them as a means of making them miserable; to degrade France, to make the people wretched, and then to have to say to the people of England: "Look there; see what they have got by their attempts to obtain liberty."'<sup>1</sup> And why did they maintain a peace establishment after the war was done? To secure the defence of the nation? To guarantee

<sup>1</sup> Cobbett, *Rural Rides*, vol. i., p. 314, ed. 1895.

the peace of Europe? Not at all! But 'to enable them to return to all plans of reform, to all groans, to all complaints, to all cries for mercy, the proper and properly and already proposed answer—the bayonet! Yes, by the blessing of God, the bayonet!'<sup>1</sup> And so with all their wars, with all their conquests and colonisations—one end, and one alone, has directed the whole conspiracy, to secure the position of the governing class, and to fill their pockets with gold. National honour? National duty? National necessity? Pshaw! These are the cloaks and disguises, the cunning machinery of fraud! The genuine principle was, and is, and will be, one and the same—the principle of Iago, 'Put money in thy purse!'

Enough has been said to indicate the general point of view from which the aristocracy was regarded by reformers of the middle class, and to account for the fierceness and vigour of the agitation of 1832. But to hate an aristocracy is not the same thing as to love a democracy; and it still remains for us to inquire whether this revolt against the governing class was prompted exclusively by practical grievances, or whether it had also a theoretic basis in a democratic conception of the State.

The democratic theory had, in fact, been advanced from the very beginning of the movement for reform. As early as 1776 it was announced by Major Cartwright that 'freedom is the immediate

<sup>1</sup> Bentham's *Works*, vol. iii., p. 437.

gift of God to all the human species.'<sup>1</sup> And as freedom involves the franchise, and a franchise equal to all, it follows that 'the very scavenger in the streets has a better right to his vote than any peer to his coronet, or the king himself to his crown; for the right of the peer and of the king are derived from the laws of *men*, but the scavenger's from the laws of *God*.'<sup>2</sup> Any human laws at variance with this principle are, according to Cartwright, *ipso facto* void;<sup>3</sup> and the constitution is only to be respected in the degree in which it conforms to this absolute and irrefragable truth. Similar views were held by the Westminster Radicals of 1780;<sup>4</sup> and Burke remarks in 1782 that 'nine-tenths of the reformers argue thus, that is, on the natural right.'<sup>5</sup> Ten years later, the theory was pushed by Paine to its logical conclusion. Previous reformers had been content, while asserting the *à priori* right, to appeal also to what they maintained to be the principles of the English monarchy. Such an argument is dismissed by

<sup>1</sup> *Legislative Rights of the Commonalty Vindicated*, p. 81.

<sup>2</sup> *Ibid.* p. 84.

<sup>3</sup> *The People's Barrier*, chap. 5.

<sup>4</sup> The subcommittee for Westminster, under the influence of Dr. Jebb, adopted, in May 1780, a report in which the following passage occurs: 'An equal representation of the people in the great council of the nation, annual elections, and the universal right of suffrage, appear so reasonable to the natural feelings of mankind that no sophistry can elude the force of the arguments which are urged in their favour; they are rights of so transcendent a nature that, in opposition to the claim of the people to their enjoyment, the longest period of prescription is pleaded in vain.'—Dr. Jebb's *Works*, vol. iii., p. 409.

<sup>5</sup> Burke's *Works*, vol. vi., p. 129, ed. 1852.

Paine with contempt. Whatever, says he, these supposed principles may have been, they must undoubtedly have been as false as those of every other government that has ever existed in the world, with the exception of those of the United States and of revolutionary France.<sup>1</sup> There is only one true principle, that which asserts that all men are equal;<sup>2</sup> only one good form of government, that which is known as a republic. The symbol of the republic is a circle, whose centre is the legislative body and the points in its circumference the individual members of the state;<sup>3</sup> and such a circle may be regarded as the ideal and terminal form of those imperfect and rudimentary constitutions, which in their distinction of parts and organs bear a monstrous resemblance to the human form, but whose grotesque irregularities may be expected, when once the principle of equality has been grasped, to correct and assimilate their discrepancies into the perfect rotundity of the ideal state.

To these ideas, it is true, no direct and tangible effect can be traced; they were swept away or crushed out of sight under the stress of the great French war. But after the peace the theory of democracy reappears in the more coherent shape in which it was embodied by the genius of Bentham.<sup>4</sup> Thus conceived it evolves from itself, in

<sup>1</sup> *Rights of Man*, ed. 1792, part i., p. 50; part ii., p. 15.

<sup>2</sup> *Ibid.* part i., p. 46.

<sup>3</sup> *Ibid.* part ii., p. 84.

<sup>4</sup> Bentham had formulated his main principles as early as 1780, when his *Introduction to the Principles of Morals and Legislation*

an unbroken logical chain, at once the damnation of the aristocracy and the justification of the people. Two assumptions only are required. The first, which is named by Bentham the 'self-preference principle,' asserts that 'in the general tenor of human life, in every heart, self-regarding interest is predominant over all other interests put together.'<sup>1</sup> In its particular application to the aristocratic government of England this principle gives us, without the necessity of an appeal to history, the following remarkable results: 'At no time have the constituent members of the governing body, at no time has the monarch, at no time has the hereditary aristocracy, at no time have the proprietors of seats in the House of Commons, at no time have the clergy, at no time have the judges, had any better endeavour or desire than to swell each of them his own power to its utmost possible pitch.'<sup>2</sup> At no time *have* they, because at no time *could* they; clergy, judges, king, peers, members of the House of Commons, form in their corporate capacity a privileged minority; this minority has a peculiar interest of its own, antagonistic to that of the community; and this interest it is bound by the principle, in the absence of counter checks, to promote consistently and exclusively at the expense

was written. But it was not till many years later that his influence began to be felt. His *Catechism of Parliamentary Reform* was not published till 1817.

<sup>1</sup> *Works*, vol. ix., p. 5; cf. *ibid.* p. 61.

<sup>2</sup> *Ibid.* vol. ix., p. 2; cf. vol. iii., p. 491.

of the majority of the people. These conditions are not peculiar to the English; they exist universally and of course under any form of government except a pure democracy. 'Every other species of government has necessarily for its characteristic and primary object and effect, the keeping the people, or non-functionaries, in a perfectly defenceless state against the functionaries their rulers; who being, in respect of their power and the use they are disposed and enabled to make of it, the natural adversaries of the people, have for their object the giving facility, certainty, unbounded extent and impunity, to the depredations and oppressions exercised on the governed by the governors.'<sup>1</sup>

The 'self-preference' principle then leads implicitly to democracy, by its *a priori* condemnation of every other form of government. But democracy is further established, positively, by help of the teleological principle, which defines the end of society as the 'greatest possible happiness.'<sup>2</sup> From a combination of this principle with the first, the following practical problem results: 'so to regulate the motive of self-interest that it shall operate, even against its will, towards the production of the greatest happiness.' To this problem Bentham offered democracy as a solution. If

<sup>1</sup> Bentham's *Works*, vol. ix., p. 47.

<sup>2</sup> This was apparently the form of the principle finally adopted by Bentham, not 'the greatest happiness of the greatest number.' See the *Introduction to his Works*, p. 18.

everybody were controlling everybody else, nobody in particular would predominate; every individual's self-interest would be suppressed except when it coincided with the interest of all; and the only results that could possibly be produced would be those of which everybody approved. 'Thus then,' exclaims Bentham, in a transport of admiration at the perfection of his own machinery, 'thus then, the principle of self-preference has for its regulator in the heart of each the consciousness of the existence and power of the same principle in the hearts of all the rest; and thus it is that the whole mechanism is at all times kept in a state of perfect order, and at all times performs to admiration everything that is desired of it, everything it was made for.'<sup>1</sup>

From this brief survey it will be seen that the formula of democracy had been given, from more than one point of view, years before the Reform Bill of 1832. Nor can it be said that these ideas were confined to individual thinkers, and were never made known outside a narrow circle. Major Cartwright was an active and able agitator, and was a main agent in the formation of the Hampden Clubs, which sprang up at the beginning of the century. The influence of Paine may be traced in the London Corresponding Society (1792), which was composed mainly of artisans, and of which we are told that 'a great majority of

<sup>1</sup> *Works*, vol. ix., p. 63.

the members were Republicans.'<sup>1</sup> Bentham was more influential in law than in politics; but he was the friend and teacher of James Mill and of Francis Place, and it was he who drew up the motion for reform brought forward by Burdett in 1818. The democratic view, it may be said, was fairly before the country. Was it the view which the country chose to adopt?

In answering this question it is necessary to draw a broad distinction between the position of the middle and that of the working class. The leaders of the working class, as we shall notice more particularly in a later chapter, were from the first suspicious of the Reform Bill of the Whigs. It was with reluctance that they consented to connect themselves with the agitation at all; in so far as they did so, it was only from the point of view that the measure, though of little value in itself, was at least a step in the direction of what they wanted; and after it was passed they proceeded at once, with perfect consistency, to agitate for a new and more radical reform. The real supporters of the Bill of 1832 were the middle class, and they supported it frankly for what it was and not for what they hoped it would lead to. The Bill gave them the franchise, and it was the franchise that they wanted. Even those of them who professed

<sup>1</sup> *Add. MS.* 27808, f. 113. A full account of this society will be found there.

to the full the principle of government by the people, were really thinking of government by themselves. This was the position, for example, of James Mill. After arguing in his absolute way in favour of a universally extended franchise, he consoles his opponents, and perhaps himself, with the reflection that after all the mass of electors would always be guided and inspired by the intelligent and superior members of the middle class. 'The opinions,' he says,<sup>1</sup> 'of that class of the people who are below the middle rank are formed, and their minds are directed, by that intelligent and virtuous rank, who come the most immediately in contact with them, who are in the constant habit of intimate communication with them, to whom they fly for advice and assistance in all their numerous difficulties, upon whom they feel an immediate and daily dependence, in health and in sickness, in infancy and in old age, to whom their children look up as a model for their imitation, whose opinions they have daily respected, and account it their honour to adopt. There can be no doubt whatever that the middle rank, which gives their most distinguished ornaments to science, and art, and to legislation itself, to everything which exalts and refines human nature, is that part of the community of which, if the basis of representation were now so far extended, the opinion would

<sup>1</sup> Article on 'Government,' in the supplement to the *Encyclopædia Britannica*, 1824.

ultimately decide. Of the people beneath them, a vast majority would be sure to be guided by their advice and example.' Inspired by this happy conviction, Mill himself would have been prepared for a measure far more extensive than the Act of 1832. But there is no reason to suppose that the mass of the middle class were desirous of a wider extension of the franchise, even with the assurance that it would only enhance their own supremacy. On the contrary, it seems clear that they did genuinely accept the Bill of the Whigs as sufficient and as final. For, in the first place, they actively opposed the later Chartist agitation, the programme of which was frankly democratic; in the second place, they were so far from being anxious to disturb the new order of things that, as we shall see, it would be truer to say that further reform was forced upon the country by the government than that it was forced upon the government by the country.

Nor is this attitude difficult to understand. If we look behind the rhetoric in which reformers of the middle class were wont to denounce a corrupt and tyrannical oligarchy, we shall find, as a rule, not any complete and *a priori* theory of democracy, but merely a keen sense of certain specific grievances, similar in kind, though felt with a more intense and bitter rancour, to those which were denounced by the Whigs of the governing class. Cobbett, for example, the most able and the most

influential of all the reformers, is by no means a democrat in principle. Not only does he believe in the Crown and in the House of Lords, but he disbelieves in universal suffrage. 'I have witnessed its effects too attentively,' he says, 'and with too much disgust, ever to think of it with approbation.'<sup>1</sup> On the other hand, he does believe in a reform of parliament, because there are evils which he wants to see redressed. With extraordinary vigour and pertinacity he expresses what was at bottom the real complaint of the middle class: that they had not sufficient control over the raising and expenditure of the public funds; that an enormous debt had been contracted in the prosecution of wars which had been initiated and persevered in against the nation's will; that in the incidence of taxation favour was shown to the landed interest at the expense of all the other classes of the population; that the peace establishment maintained after 1815 was disproportionately large, and that this, together with the interest of the debt, and the payment in salaries, pensions, and sinecures, constituted an intolerable burden on the people's industry. The purse, in a word, was the centre of the whole agitation, and the key to it is contained in half-a-dozen humorous sentences of Sydney Smith: 'The schoolboy whips his taxed top, the beardless youth manages his taxed horse with a taxed bridle on a

<sup>1</sup> Cobbett's *Political Works*, edited by John M. Cobbett and James P. Cobbett, vol. ii., p. 51.

taxed road, and the dying Englishman, pouring his medicine which has paid 7 per cent. into a spoon that has paid 15 per cent., flings himself back upon his chintz bed which has paid 22 per cent., makes his will on an 8*l.* stamp, and expires in the arms of an apothecary who has paid a licence of 100*l.* for the privilege of putting him to death. His whole property is then immediately taxed from 2 to 10 per cent. Beside the probate, large fees are demanded for burying him in the chancel. His virtues are handed down to posterity on taxed marble, and he will then be gathered to his fathers to be taxed no more.'<sup>1</sup>

It was, in fact, the burden of taxation that gave body and form to that general mistrust and hatred of the aristocracy to which we have already referred. But this was an evil that would be met, it might be supposed, so far as the middle class was concerned, by the action of the Bill of 1832. By that measure the middle class were admitted to the franchise; they would exercise henceforth an important influence on the Lower House, and would have the redress of their grievances in their own hands. There was no reason why they should wish for anything more, and it is clear, I think, that as a body they did not. 'The Bill, the whole Bill, and nothing but the Bill' was a formula of conviction, not merely of expediency. Substantially, by the Act of 1832, the middle class got

<sup>1</sup> S. Smith's *Works*, vol. ii., p. 13.

what they wanted, and of this their hostility to Chartism and their indifference to further measures of reform are a sufficient and conclusive proof.

From the whole of this investigation results the following conclusion. Neither the Whig aristocracy who introduced the first Reform Bill, nor the middle class whose agitation forced it through, conceived it to be, even implicitly, a revolutionary measure. The power of the Crown and the House of Lords were to be maintained intact; the House of Commons was to be more representative, but not more democratic, than before. The change was regarded as one of detail, not one of principle; in no sense a subversion of the constitution, but merely its adaptation to new conditions. Theories, it is true, had been broached which led straight to pure democracy, and these, no doubt, were producing their effect; but it was not they that carried the Act of 1832. Their operation is rather to be seen in the Chartist movement, of which we shall have occasion to speak in another place. The agitation of 1832 was a movement of the middle class, and it was genuinely set upon that particular measure without ulterior democratic ends. Here the middle class were at one with the Whig aristocracy; the idea of both was to reform the constitution, not to transform it. But the expectation of both has been falsified by the irony of history. Reform has been found to be only

another name for transformation; and the Bill of 1832, so far from being final, has proved to be but the first step in an irresistible process towards democracy. Of this process the further course will be traced in the succeeding chapter.

## CHAPTER II

*THE FURTHER TRANSITION TO DEMOCRACY*

THE Reform Bill of 1832 is commonly conceived to mark the close of the period of aristocratic government. Such a view is accurate enough if the Bill be considered in connection with all the consequences it implied; but it would be a mistake to suppose that from the year 1832 the influence of the aristocracy ceased to predominate and was superseded by that of the middle class. On the contrary, the supremacy of the governing class was preserved and was intended to be preserved. Their force was weakened, but it was far from being destroyed. The idea of the Whig reformers, as has been already pointed out, was not to destroy but to repair the existing frame of government; to remove the anomalies and abuses which circumstances and time had introduced, but to retain the substantial predominance of property and birth. The middle class was to be admitted to a certain share of political power, but their influence was to temper, by no means to control, the government. It was in accordance with this

conception that the Bill of 1832 was framed. Its main provisions were as follows :—

(1) It disfranchised, wholly or in part, 86 of the smaller boroughs.

(2) It distributed the seats thus obtained partly among the counties, partly among the great towns.<sup>1</sup>

(3) It enfranchised the 10% householders in the boroughs.

(4) It enfranchised certain copyholders, leaseholders, and occupiers in the counties.<sup>2</sup>

Let us consider how these provisions affected the power of the aristocracy. The disfranchisement of the smaller boroughs was, no doubt, a serious blow to their ascendancy, yet not so serious as might at first appear. The number in which their influence prevailed was still considerable; a list of over forty may be made out, with the name of the patron of each;<sup>3</sup> and not only are Radical reformers perpetually dwelling on the fact,<sup>4</sup>

<sup>1</sup> There were 143 English seats to distribute, of which 63 went to the counties, 62 to the boroughs. Of the 18 seats remaining, 8 were given to Scotland, 5 to Ireland, and 5 to Wales.

<sup>2</sup> The following were enfranchised in the counties :—(a) 10% copyholders; (b) 10% leaseholders for a term originally created for not less than sixty years; (c) 50% leaseholders for a term originally created for not less than twenty years; (d) occupiers of any lands and tenements liable to a clear yearly rental of 50%.

<sup>3</sup> C. R. Dod's *Electoral Facts from 1832 to 1852*.

<sup>4</sup> Alexander Mackay (*Electoral Districts*, 1848, p. 12) gives the number of pocket boroughs as 42, returning 69 members as representatives of a population of 370,200. These 69 members, he adds, counterbalance the representatives of 86 great boroughs with a population of 4,638,000. 'The constituency of Ripon returns two faithful

but even the Whig Lord Russell stated in Parliament that 'it is said, and said certainly with great truth, that with regard to many of the smaller boroughs not only does the influence of property prevail, and not only does property influence the elections, but that the property of individuals is so overwhelming in many of them that they approach the character of those boroughs in which direct nomination formerly prevailed.'<sup>1</sup>

Further, the representation of the disfranchised boroughs had been transferred in part to the counties, and in the counties the influence of the landlord, which had always been predominant, was further increased by the enfranchisement of leaseholders. 'Brothers, sons, nephews, uncles,' says Cobden, 'aye, down to the third generation, if they happened to live upon the farm, were all made to qualify for the same holding, and swear, if need be, that they were partners in the farm, though they were no more partners than you are.'<sup>2</sup> Thus, if property in land lost, it also gained by the Bill;

representatives of a respectable old lady. And, under our happy constitution, Liverpool, Lambeth, and Mrs. Lawrence enjoy precisely the same amount of representation.'—*The Reform of the Reform Bill*, by W. Ewart (1887), p. 8.

<sup>1</sup> See *Hansard*, vol. cxix., p. 263 (1852). This influence is the easier to understand if it be noted how small was still the number of electors in many boroughs. In the speech quoted, Lord John Russell states that there are 14 boroughs with less than 300 electors, 30 with less than 400, and 67 with less than 500 electors. *Hansard*, vol. cxix., 264.

<sup>2</sup> See Morley's *Cobden*, vol. i., p. 304. The division of the counties was said to work in the same direction. 'The Tories,' says Place, 'knew well that the division of counties and the 19th and 20th clauses would give a great preponderance to the rich landowners

and the same may be said of property in general. In many constituencies, to increase the number of electors was only to increase the opportunities for bribery, and a series of reports of commissioners and Acts of Parliament point to the prevalence of an evil which it has taken years of continuous effort to control.<sup>1</sup> But since the venality of electors involved a corresponding expenditure on

at no long period over all the other interests of the country taken together, and would enable them, by undue influence and terror, to return a decided majority to the House of Commons. They also knew that Lord Grey and his colleagues intended it should be so.' (*Add. MS.* 27795, f. 193.) It may be added that Radicals had a means of influence in the opposite direction by encouraging their followers to purchase small freeholds, and so flooding the counties with town voters. See Morley's *Cobden*, vol. i., p. 305.

<sup>1</sup> See, for example, the Report of the Commission of 1852 on the conduct of elections at St. Albans (*Rep. Com.* 1852, vol. xxvii.), where it is stated that of the 483 electors on the register, 308 are in the habit of taking money for their votes; that the new 10l. electors are more venal than the freemen; and that since 1832 3,000l. on the average had been expended at each election. 'No man,' said one witness, 'can get into any borough on purity principles.' The report of the Select Committee on bribery at elections, 1835 (*Rep. Com.* 1835, vol. viii.), contains over seven hundred pages of evidence, on which the committee judiciously refrain from commenting. It is especially interesting on the subject of the indirect pressure exercised by customers on tradesmen, by magistrates on the publicans dependent on them for their licences, &c., &c. Lord Derby, speaking in 1867, states, on the evidence of a parliamentary commission, that at Totnes 21,000l. was spent between December 1862 and August 1865, principally in corruption, among 421 voters; and that in the election of 1865 at Lancaster, 14,534l. was spent in a constituency of 1,465, of whom 971 were scheduled as corrupt. At Yarmouth 528 electors out of a total of 1,645, at Reigate 346 out of a total of 730, were scheduled as corrupt. (*Hansard*, vol. clxxxviii., pp. 1797-8.) The Select Committee on parliamentary and municipal elections, 1869, collected a mass of evidence to the same effect. (*Rep. Com.* 1868-9, vol. viii.) One witness states that, in a certain borough, 'there were 800 freemen, and they stood up 100 at a time, and at a certain stage they were to have 5l. each;

#### 44 THE FURTHER TRANSITION TO DEMOCRACY

elections,<sup>1</sup> it is clear that in a number of boroughs the necessary qualification of a candidate was wealth ; and that even those who were not controlled by the landlords were none the less controlled by

but the next batch of 100 required so much more' (see q. 855). The increase in the number of election petitions is also instructive. Bright gives the following figures (*Hansard*, vol. cxxviii., p. 216) :—1833, 33 petitions ; 1835, 30 petitions ; 1838, 60 petitions ; 1841, 43 petitions ; 1847, 40 petitions ; 1853, 67 petitions. In 1857 six members were unseated for bribery and undue influence ; in 1866, thirteen. Evidence as to the extent of intimidation is, of course, more difficult to obtain. Speakers in the House of Lords, in the discussion on the ballot, treated it as practically non-existent (see, e.g., *Hansard*, vol. cxi., pp. 1451, 1466, 1477). On the other hand the following notes from an election agent's book, quoted by Mr. Berkeley in 1858, are amusingly suggestive :—' John So-and-So, publican, votes against us. *Mem.* : Put the screw on him through Mr. So-and-So, the spirit merchant, with whom he is in arrears.' ' Thomas So-and-So, beer-shop keeper, refuses to promise. *Mem.* : Canvass him in company with Mr. So-and-So, the licensing magistrate.' ' Peter So-and-So, cheesemonger, splits his vote. *Mem.* : Put the cheesefactor upon him to make him plump.' ' Abel So-and-So, tailor, votes against us. *Mem.* : Makes Sir Thomas So-and-So's liveries. Apply to Sir Thomas to compel him to split, or not vote at all.'—*Hansard*, vol. cxxviii., p. 158. Mr. Bright stated, in the same debate, among other facts, that, at the borough of Lisburne, in Ireland, of those who voted against the Marquis of Hertford's candidate, 27 had received notice to quit, 6 had been evicted, and 7 who did not vote had received notice to quit. (*Ibid.* p. 220.)

<sup>1</sup> ' In many, especially the more important boroughs, the cost of an election to each candidate varies from 1,000*l.* to 3,000*l.* or 4,000*l.* '—W. Ewart, *Reform of the Reform Bill*, 1837, p. 10. In an *Address to the Electors and Non-Electors of the United Kingdom*, by W. Williams, 1849, p. 28, the following figures occur, taken from the report of a select committee on the election of 1841 : ' At the election for Harwich the two Tory candidates expended 6,300*l.* for 94 votes, and the two Whig candidates 2,000*l.* for 84 votes, and left from 300*l.* to 400*l.* unpaid. At Nottingham, the two Whig candidates expended 12,000*l.*, and polled 529 votes ; the Tory candidates disbursed from 4,000*l.* to 5,000*l.*, and received 144 votes. At Lewes, 411 voters voted for the two Whig candidates, at a cost of 5,000*l.* (2,000*l.* for treating and 1,500*l.* for bribery) ; 407 voted for the two Tory candidates, at a cost of 2,000*l.* for treating ; ' and so on.

property. The House of Commons, in fact, was still the House of a class, and, to a great extent, of the landed gentlemen; and if these were in part replaced by wealthy and unscrupulous men from outside the addition was not altogether such as to contribute to the general benefit of the State.

If now we turn to consider the numbers enfranchised and the distribution of seats under the new Act, we shall be led to similar conclusions as to its effect on the balance of power. Although the number of voters had been considerably increased by the Act, they were still but a small fraction—not more than one twenty-fourth part—of the population;<sup>1</sup> and in the apportionment of members among the electors there had never been any intention or attempt to apply the principle of numerical proportion. By the transference of the representation of rotten boroughs to the counties and the great towns some of the more obvious inequalities of the old system were redressed, but there was no attempt at a redistribution on the lines of property or population. From this point of view the new settlement was as open to criticism as the old, and the opening was industriously developed by Radical reformers. They showed how half of the borough population was contained in sixteen towns, which returned only thirty-three

<sup>1</sup> In 1832 the number of electors in the United Kingdom was 980,000, out of a population of over 24,000,000; in 1867 it was 1,800,000, out of a population of over 29,000,000. (James Murdoch, *Hist. of Const. Reform*, 1885, p. 164.)

of the three hundred and twenty-three borough members; how half of the whole House represented an aggregate population of three millions, and the other half an aggregate population of twenty-four millions; how a majority of the House might conceivably represent no more than one-eighth of the population; how the boroughs, with an electorate of five hundred thousand, returned four hundred members, while only two hundred and fifty were returned by the counties, with an electorate of seven hundred thousand; and how one-fourteenth of the property of the country had a larger representation than the whole of the remainder.<sup>1</sup> The figures were indisputable, and all pointed to the same fact—the predominance of political power secured to the boroughs over the counties, and among the boroughs to the smaller over the larger; that is to say, the predominance of wealth, and especially of the landed proprietors. The natural influence of property was artificially increased both by the limitation of the electorate and by the distribution of seats, and after the Reform Bill, as before it, the government remained in the hands of a class.<sup>2</sup>

<sup>1</sup> For these and similar statements see, e.g., *Parliamentary Incongruities*, by James Acland, 1855; *An Address to the Electors and Non-Electors*, by W. Williams, 1849; *Electoral Districts*, by Alexander Mackay, 1848; *The Franchise: What shall we do to it?* 1858.

<sup>2</sup> A pamphlet called *The Rotten House of Commons*, issued by the Working Men's Associations in 1836, gives the following as the composition of the parliament then sitting: Noblemen, 56; Right Hons., baronets, knights, &c., 146; army and navy, 167; law, 60; bankers, &c. 35; East and West India proprietors, 49; placemen, 51; patrons

In its immediate effect, then, the settlement of 1832 was not, and was not intended to be, democratic. Yet it was to democracy that it ultimately led, and the question therefore arises, By what means was that transition achieved?

It would seem that the transition could never have been deliberately intended by the governing class, for the maintenance of the constitution as it was, in the form of a balance of the three powers, continued after the Reform Bill to be the accepted creed of both the great parties, and either would have deprecated such an accession of strength to the representative House as should make it in effect the dominant factor in the State. 'I wish to disclaim entirely,' said Lord John Russell, on introducing the Reform Bill of 1860, 'I wish to disclaim entirely any intention to frame a new constitution. I disclaim such a project for two reasons. One reason is that I have no wish to alter the constitution of this House, the other is that if any such alteration were sought I should feel totally unable to propose anything that would stand in the place of the ancient and glorious constitution of the country.'<sup>1</sup> The sentiment is typical of the attitude of the great Whig chief,

of church livings, 84. Mr. William Williams, *Address to the Electors and Non-Electors of the United Kingdom*, p. 26, analyses as follows the parliament of 1849: Placemen, 49; army and navy, 88; close connections of peers, 182; patrons of livings, 76; barristers, 77; railway directors, 38; East and West India proprietors, 22.

<sup>1</sup> Hansard, vol. clvi., p. 2050. The Whigs never identified them-

and it was echoed with equal emphasis by Disraeli. 'We think,' he said, 'that the English constitution is not a mere phrase. We believe that we live under a monarchy, modified in its action by the co-ordinate authority of estates of the realm.'<sup>1</sup> Elsewhere he distinguishes 'popular privileges' from 'democratic rights.' The former belong to an unequal, the latter to an equal society; the former are compatible with a monarchical government, the latter postulate a democracy; and 'under a democracy,' he emphatically adds, 'we do not live, and I trust it will never be the fate of the country to live.'<sup>2</sup> Mr. Gladstone's Bill of 1866, no less than Mr. Disraeli's of 1867, was introduced with a clear declaration that it was not intended to democratise the constitution;<sup>3</sup> and even the authors of the Bill of 1884, if they tacitly understood, at least did not openly avow, that the effect of their proposal must be to destroy the balance of the powers.

Yet now, at only ten years from that date, few, it may be supposed, would deny that the govern-

selves with the Radical programme of reform. 'With the Radicals,' said Earl Grey in 1835, 'I must regard our difference as no less decided, and ought to be as strongly marked, as with the Tories.'—*Melbourne Papers*, p. 241.

<sup>1</sup> Hansard, vol. clxxv., p. 230.

<sup>2</sup> *Ibid.* clxxxvi., p. 6.

<sup>3</sup> To call into existence a majority of working-class electors 'has never been the intention of any Bill proposed in this House. I do not think it is a proposal that parliament would ever adopt. I cannot say I think it would be attended with any great danger, but I am sure it is not according to the present view or expectations of parliament.'—Gladstone's speech, 1866, Hansard, vol. clxxxii., p. 52.

ment of the country in fact is democratic; that the House of Lords continues to exist by sufferance rather than by logic; that the elements of the constitution which are not representative, so far from being established beyond question, are obliged to come forward and defend their right to exist; that, in short, the theory of the constitution has been, unconsciously, so completely transformed that it is a tacitly accepted hypothesis that power, to be legitimate, must be deputed by the people, and that power which is otherwise derived either cannot be defended at all, or must be defended at best on grounds of practical expediency.

How is it possible that so great a change should have been produced? How is it possible that the governing class, so firmly established even after 1832, should have permitted such developments to proceed as have ended in a complete reversal of their whole conception of the State? The first reply which suggests itself is that they did not permit, but were compelled; that they yielded, always under protest, to popular pressure from without, responding not to argument or conviction, but simply to superior force. Such a view, however, is not borne out by the facts. Popular pressure indeed there was, and that of an extreme kind; but it was met and repelled with complete success. The first enemy with which the government had to contend after 1832 was the Chartist

agitation for the famous 'six points'—universal suffrage, the ballot, annual parliaments, payment of members, abolition of the property qualification, and equal electoral districts. Here was a complete and uncompromising democratic programme; and it was backed not merely by the constitutional machinery of public meetings and petitions, but by the threats and even the abortive application of armed force.<sup>1</sup> The 'physical force' party was represented not only on the platform and in the crowd, but in the conventions of 1839, 1842, and 1848;<sup>2</sup> and these conventions, which were the

<sup>1</sup> See the speeches of Stephens and others reported in the *Northern Star*. For example, 'We want good workmen and good masters, good priests and good people, the servant to do what is right, and the master to do justice to the servant. Then I ask the Whigs and Tories, will you give it to us? All will be well. If you do not we will take it, we have the power to do so, and we will use it.' 'I do not advocate violence, but with it, or without it, the people's wrongs shall be redeemed, for God is great and good and just, and his blessing is upon them. If peace gives law, then am I for order; but if peace gives not law, then I am for war to the knife.'—*Northern Star*, November 10, 1838. 'If with me you are ready to fight it through, and fight it out, you will have, and you shall have, peace and plenty yourselves, and they shall have nothing but war, war, war, until they be exterminated from off the face of the earth.' The effect of such rhetoric may be illustrated from the following Chartist handbill: 'Nothing can convince tyrants of their folly but gunpowder and steel, so put your trust in God, my boys, and keep your powder dry. Be patient a day or two, but be ready at a minute's warning; no man knows to-day what to-morrow may bring forth: be ready then to nourish the tree of liberty WITH THE BLOOD OF TYRANTS. . . . Now or never is your time; be sure you do not neglect your arms, and when you strike do not let it be with sticks or stones, but let the blood of all you suspect moisten the soil of your native land, that you may for ever destroy the remembrance of your poverty and shame.'—*Life of Charles James Napier*, vol. ii., p. 29; cf. *ibid.* pp. 18, 23.

<sup>2</sup> See, for example, the *Proceedings of the Convention of 1848* (Brit.

accredited organs of the cause, though they never went so far as to formulate a definite plan of insurrection, were prepared to paralyse the industry of the country, in the hope that the ensuing confusion would lead to the consummation they desired.<sup>1</sup> But the Chartist movement was a failure. It collapsed partly by the inherent defects of its own organisation and methods, partly by the rallying of the middle class to the support of order and law. The government emerged with double strength from the crisis of 1848; economic prosperity came to confirm their political victory, and it seemed as though the agitation for parliamentary reform were dead. Year after year, during the period when successive Whig and Tory governments were introducing their Reform Bills in the Commons, we come across the frank admissions of prominent politicians and competent observers that there is no demand for any such measures in the country. 'Is it not a proof,' writes Cobden to Bright in 1851, 'that the country is not ripe for any really great measures of reform, that there is no spon-

Mus., pamph. 68), speeches of Messrs. Hitchin, Buckley, and others. 'Moral force,' of course, is also strongly represented. Mr. Wilkinson, especially, protests that 'when he heard some persons talk of guns, pikes, and swords with such coolness, his blood chilled within his veins.'

<sup>1</sup> In 1839 they carried a motion (afterwards rescinded) advocating a general strike for a month. In 1842 an attempt was actually made to carry out this measure, and for fifty miles round Manchester all factories were stopped. In 1848 we hear no more of the general strike; but in case of the rejection of the petition a 'national assembly' is to be summoned, to bring the queen and the government to their senses. The 'National Assembly,' in fact, did meet—and dissolved itself.

taneous movement for it?'<sup>1</sup> The next year Lord John Russell on introducing his Reform Bill refers to the absence of any excitement on the subject in the country;<sup>2</sup> a statement which is borne out by the remark of Greville that 'at this moment, while there is a general prosperity and content, the country is in a conservative humour and does not wish for organic changes.'<sup>3</sup> Two years later the same writer refers to the 'great indifference in the country,' adding that 'nobody wanted any measure, and the few Radicals who do, do not care for the particular measure Lord John Russell proposes.'<sup>4</sup> In 1858 Mr. Bright made a vigorous attempt to rouse the country, but apparently with little enough success,<sup>5</sup> for in 1859 Cobden writes to warn him against the futility of his agitation: 'If you are intent on reform, you will have a hearty response from the meeting and little beyond it. . . . Were I in your place, I should not dwell too much on the Reform topic.'<sup>6</sup> The introduction of the Conservative Reform Bill in the same year produced 'neither zeal nor union on one side or the other;'<sup>7</sup> and Lord John Russell's measure of 1860 was received with such 'profound indifference in

<sup>1</sup> Morley's *Cobden*, vol. ii., p. 94, ed. 1881.

<sup>2</sup> Hansard, vol. cxix., p. 252.

<sup>3</sup> Greville's *Journal*, 1837-1852, vol. iii., p. 470.

<sup>4</sup> *Ibid.*, 1852-1860, vol. i., pp. 143, 138.

<sup>5</sup> 'Bright's speeches have evidently been a failure,' *ibid.*, vol. ii., p. 213.

<sup>6</sup> Morley's *Cobden*, vol. ii., p. 348.

<sup>7</sup> Greville's *Journal*, 1852-1860, vol. ii., p. 234.

the House and in the country,'<sup>1</sup> that on one occasion in the debate on the second reading the House was actually counted out. The next year Mr. Baines in his speech on the borough franchise refers to the fact that 'the public mind is unusually free from excitement.'<sup>2</sup> And about the same time Bernal Osborne writes, 'Reform is at a discount, its name is never heard; our lips are now forbid to speak that once familiar word.'<sup>3</sup> In 1866 and 1867 there was a more serious agitation in the country under the auspices of the National Reform League; yet even then Mr. Gladstone admits that the government 'had to deal, as it was obvious, with a state of the public mind that was not clear, definite, and resolute, but rather bewildered, or at the least indecisive;'<sup>4</sup> and both he and, in the following year, Disraeli support their measures of reform, not on the prevalence of an imperative popular demand, but on the fact that so many abortive Bills have been introduced that it is becoming necessary, for the credit of the House, to settle the question once for all.

From all this it is clear that the disturbance of the settlement of 1832 and the series of measures

<sup>1</sup> Greville's *Journal*, vol. ii., p. 294. Cf. Molesworth's *History of England*, vol. iii., p. 229, ed. 1878. 'The people, though by no means indifferent, did not feel strongly on the subject, and did not give the government a very warm support.'

<sup>2</sup> Hansard, vol. clxii., p. 858.

<sup>3</sup> Quoted by Sidney Buxton, *Finance and Politics*, vol. ii., p. 5, ed. 1888.

<sup>4</sup> Hansard, vol. clxxxii., p. 21.

which culminated in the Reform Act of 1867 are to be attributed not to popular pressure from without, but to the free and spontaneous action of the governing class. We have, in fact, the remarkable phenomenon that in a time of profound repose, after the collapse of the revolutionary Chartist movement, and in the midst of the political indifference induced by comparatively prosperous economic conditions, the Legislature begins of its own accord to bring forward measures of reform. Conservatives vie with Liberals in their zeal for organic change; Bill succeeds Bill with startling rapidity; till at last, in 1867, a Conservative measure is introduced which emerges from committee as radical an Act as any but the extremest reformers had even ventured to desire. The phenomenon, curious though it be, might no doubt be explained as a natural result of the manœuvring of parties. It might be shown how the few Radicals in the House forced the hand of the Whigs, and how the Whigs were 'dished' by Tory artifice; and such a story no doubt will one day be told by the political historian. But what concerns us at present is the more fundamental attitude of mind that underlay all such party intrigues. Previous to 1832 it would have been impossible that such a question as the reform of parliament should have been treated merely as a weapon in the political game. After 1832 it appears this had become possible. And here we come upon the

real significance of the first Reform Act. Its importance was less in what it immediately did than in what it logically involved; it did not directly revolutionise the constitution, but it tore it away from its fixed roots. Let us examine this point more closely.

The strength of the aristocratic position had been its reliance on the *status quo*. It had rested less on a theory than on an assertion of fact, and was thus as strong as the fact which it asserted. 'The system in operation did, on the whole, in spite of its defects, work well, and it was impossible to prove that any other system would work better,'—such, in brief, was the thesis of the Duke of Wellington and his allies; and its only possible refutation was the destruction of the system on which it reposed. But that destruction was begun by the Act of 1832; the *status quo*, having once been disturbed, might well be disturbed again; the argument from the fact to the continuance of the fact had become impossible by the violation of the fact; once for all, movement had begun, the principle of reform had been admitted, and the question henceforth was merely how much and how far.

Lord John Russell, it is true, had explicitly declared, in 1837, that as far as he himself was concerned the settlement of 1832 was final. 'Having now only five years ago,' he said, 'reformed the representation, having placed it on a

new basis, it would be a most unwise and unsound experiment now to begin the process again, to form a new suffrage, to make an alteration in the manner of voting, and to look for other and new securities for the representation of the people. I say, at least for myself, that I can take no share in such an experiment.'<sup>1</sup> But in fact the 'finality' had no basis to rest upon, and this was early recognised by both the great parties. For though the theory of the constitution, professed by Whigs and Tories alike, was substantially the same as that which they had maintained before the Act of 1832, it had now to be interpreted no longer in connection with a venerable and almost sacred prescription, but in relation to a new and arbitrary settlement made by one of the parties in the face of the opposition of the other. Consequently, whatever stability the new arrangement was to possess, it must possess by virtue of the theory on which it was supported, not of any prescriptive sanctity attached to itself. But the theory in question was essentially a theory of motion, not of rest; and, though it was invulnerable to criticism based upon democratic postulates, it possessed in itself the principle of its own destruction. This will be made clear by a recapitulation of its main points, as they constantly appear in the speeches of the political chiefs.

The watchwords of Whigs and Tories alike,

<sup>1</sup> Hansard, xxxix., p. 70.

during the period with which we are concerned, were, on the one hand, the 'competence,' on the other the 'varied character,' of the electorate. 'Competence' was measured by the double test of education and property; and by 'varied character' was understood the proportional representation of the 'interests' of the country, together with the admission to parliament of independent men, whose abilities were likely to be of special service to the State. 'You want,' said Disraeli, 'a representative assembly that is the mirror of the mind as well as of the material interests of England. You want in this House every element that obtains the respect and engages the interest of the country. You must have lineage and great territorial property; you must have manufacturing enterprise of the highest character; you must have commercial weight; you must have professional ability in all its forms; but you want something more—you want a body of men not too intimately connected either with agriculture, or with manufactures, or with commerce; not too much wedded to professional thought and professional habits; you want a body of men representing the vast variety of the English character; men who would arbitrate between the claims of those great predominant interests, who would temper the acerbity of their controversies.'<sup>1</sup>

<sup>1</sup> Speech on introducing the Reform Bill of February 1859. Hansard, clii., p. 979. For Lord John Russell's statement of the view see, e.g., Hansard, vol. cv., p. 1214; vol. cxix., p. 258; vol. cxxx., p. 496.

Such a theory as this was not really hit by the ordinary criticism of the Radicals. It might be true—and it doubtless was true—that the House of Commons, as reformed, did not fairly represent either the numbers or the property of the nation. 'But,' the supporters of the system might reply, 'it was never intended to do so. What it was meant to, and does, represent, imperfectly no doubt, is the varied mind and the varied interests of the country; and for this purpose it is better adapted than any arrangement based on population and wealth.' The answer was at least as good as the attack; and if Radicalism had been the only enemy the system might have held its ground.<sup>1</sup> But in fact it was the theory on which it rested that contained the principle of change. The settlement was not really a point of equilibrium; it was a line of direction for motion. Both the watchwords of the accepted creed, 'competency' and 'varied interests,' were perpetually demanding new definitions to accord with new circumstances. Granted, for example, that in 1832 the exact measure of competence was 10%, yet there was nothing absolute or final in the number ten—10% in 1832, but twenty years later why not 7% or 6%? The devolution was inevitable. 'There is no knowing,' writes Lord Melbourne as early as 1832, 'to what

<sup>1</sup> Disraeli meets the Radicals with a *reductio ad absurdum* of their own case. The population of London, he points out, is equal to that of Scotland; its property is half as much again as hers. Does it follow, then, that London ought to have as many members as Scotland?

we may be led by circumstances; but at present I am determined to take my stand here, and not to advance any further.'<sup>1</sup> By 1852 the 'circumstances' have already arrived, and Lord John Russell is introducing the first of a series of Reform Bills. Intelligence has spread; it has reached the working class; and the time has come to lower the limit of competence.<sup>2</sup> Tory opinion follows the same course. 'I, for one, am no advocate for finality,' said Disraeli in 1848; and in 1852 he declares, with the full authority of his party, that the exclusion of the working classes is a fault of the settlement of 1832, and that no measure of reform can be satisfactory which does not remedy that defect.

The 10% limit of 'competency' was thus rejected by both parties. They felt that it must be adjusted to circumstances, and when the circumstances came they proceeded to adjust it. And the same want of finality attached to their other criterion, the adequate representation of varied interests. For what were these interests, and in

<sup>1</sup> *Melbourne Papers*, p. 147.

<sup>2</sup> See Lord Russell's speech in 1854, *Hansard*, vol. cxxx., p. 505. 'I think it most desirable that the middle classes should have a great influence in the making of the laws by which the country is governed; but seeing the high character the working classes of this country generally maintain, seeing the skill and intelligence for which they are so remarkable, and seeing, too, how much the wealth of the country depends on their exertion and their industry, I think the time has come when we ought to endeavour to make the door wider than it now is for their admission into its representative rights.'

what relations did they stand to one another? Did the existing division of political power between the counties and boroughs fairly meet the respective claims of agriculture and commerce? Had labour an influence adequate to its economic weight? Were intelligence and ability present in the due proportion to material force? Such questions have only to be put to make patent the impossibility of a reply. No such measurements can in fact be made, and therefore no system purporting to rest upon them can be stable. At any moment it was open to any individual or any party to urge an alteration of the franchise in favour of some neglected 'interest.' 'Varied character' was a test as shifting as 'competence;' and the orthodox theory of the constitution turned out to be implicitly a theory of change.

We come then at last to the real meaning of the Act of 1832. It had destroyed stability. Anything but revolutionary in itself, it had prepared the way for revolution. The question was no longer whether to reform, but when to reform; the principle had been tacitly conceded, and the rest was a matter of opportunity and time.

Such being the general attitude of the governing class towards parliamentary reform, it is not hard to anticipate the course of action they will adopt. Prompted by various motives and aiming at various ends, largely inspired, no doubt, by the sense of justice and public good, but not omitting

from the calculation immediate party gains, they will allow themselves to preside at developments which will amount, in their ultimate effects, to revolution, and to glide imperceptibly into the democracy against which they have never ceased to protest. And this, in fact, is what we find occurring. The history of the series of Reform Bills, from 1852 to 1884, is that of the gradual substitution, reluctant in so far as it was conscious at all, of the basis-of population for that of 'competence and variety.' All that was intended, when the extension of the franchise was first proposed, was the readjustment of a limit which was never meant to be swept away. The property qualification was still to be maintained, only it was to be diminished in amount; and it is with this end that the provisions of the earlier Bills are framed. In 1852 the proposition is a 5*l.* (rating) franchise for the boroughs, and 20*l.* (rating) for the counties; in 1854 it is 6*l.* (rating) for the boroughs and 10*l.* for the counties; in 1859, 10*l.* for the counties; in 1860, 6*l.* for the boroughs and 10*l.* for the counties; in 1866, 7*l.* for the boroughs and 14*l.* for the counties. It was not till the Bill of 1867 that a bolder step was made, and that was due to a Conservative minister. Perceiving the want of finality in any numerical test, Disraeli proposed to admit to the borough franchise all householders. He hoped in this way to secure a permanent settlement, but without the least intention that it should

be a democratic one. By insisting on the personal payment of rates and a residence of two years as a necessary qualification for the vote, he would have excluded from the suffrage the large majority of artisans, and limited the number of the newly enfranchised to something like 100,000; <sup>1</sup> while at the same time he endeavoured to provide against the predominance of mere numbers by the addition of special franchises and a dual vote for property.<sup>2</sup> But of these restrictions every one was swept away in committee. The period of residence was reduced to a year; the additional franchise and the dual vote were abandoned; compound householders<sup>3</sup> and 10*l.* lodgers were admitted to the vote; and an addition of over two millions made to the borough electorate. The Bill was thus completely transformed in its progress through the House. It

<sup>1</sup> So Mr. Gladstone calculated. Hansard, vol. clxxxvi., p. 494. So also Bright: 'You are about to re-enact the virtual exclusion of the working classes from the franchise.'—*Ibid.* p. 685.

<sup>2</sup> Householders paying 20*s.* in direct taxation were to have a second vote.

<sup>3</sup> Compound householders are those whose rates are paid by their landlords. They would have been excluded by the original draft of the Bill, which made the personal payment of rates a condition of the franchise. But by a clause introduced in committee compounding was abolished; all householders henceforth were to be rated in person, and, therefore, if they had paid their rates, would be admitted to the franchise. Practically, however, the abolition of compounding was found to be so inconvenient, that by the Poor Rate Assessment Act of 1869 the system was re-established; but the compound householders were allowed to retain their vote. Thus the test of the personal payment of rates was swept away, so far as the legislature could do it. In practice, I suppose, the tendency is for the occupier really to pay by an addition to his rent.

was carried through by the government, but it was not the government Bill; it was accepted by the Conservatives, but under protest, after three of the ministers had resigned; <sup>1</sup> it can hardly have been approved by the Liberals, for it was on radically different lines from the measure they had introduced when they were in office the year before. <sup>2</sup> It was not, in short, the deliberate work of either of the great parties, but the half-accidental result of the balance of forces in the House, and of evolutions of attack and defence performed on a swamp of party expediency.

Here, then, was a great step in the direction of democracy, taken, not with forethought and deliberation, but, as it were, by a stumble and a fall. The Act of 1867 was opposed to the policy of both parties as indicated by the measures they had brought forward right up to the previous year. They had been aiming at the adjustment of a limit; it swept the limit away; and that, not because of any avowed change of principle, but because it was

<sup>1</sup> General Peel, Lord Carnarvon, and Lord Cranborne. General Peel declared that he had learnt three things in the course of the debate:—'the first is that nothing has so slight a vitality as a "vital point";' the second, that there is nothing so insecure as "securities";' and the third, that there is nothing so elastic as the conscience of a cabinet minister.'

<sup>2</sup> Bagehot, writing immediately after the passage of the Bill, declares that 'many, probably most, of the intelligent Liberals were in consternation at the Bill,' and that 'many Radical members, who had been asking for years for household suffrage, were much more surprised than pleased at the near chance of obtaining it.'—*English Constitution*, introd. to 2nd ed.

difficult in practice to fix the point where the line should be drawn. No one had adopted in theory the democratic idea, but that it was being adopted in practice was clear to at least a section of the House. 'We have arrived,' said Mr. Lowe, 'at the point of a complete revolution in our constitution, at an alteration so vast that no one seems to have been able to bring his mind to measure its extent, and that without the consideration we are in the habit of bestowing on the principle of the smallest and most insignificant measure.' And he proceeds, with a courage and a foresight which in general were conspicuously wanting in the House, to characterise the new electors and to indicate their future policy; to predict the abolition of indirect taxation, the graduation of the income tax, and the restriction of the hours of labour by law; and to prophesy the devolution of both Tories and Whigs into 'two parties of competition, who, like Cleon and the Sausage-seller of Aristophanes, will both be bidding for the support of Demos.'<sup>1</sup> Whatever may be thought of the attitude of Mr. Lowe, there is no doubt about the clearness of his vision. Almost alone in the House, he saw what the House was really doing, and, if his warning passed unheeded, it was not that it was not feared, but that it was not believed. Neither of the parties was prepared to face the developments which he denounced. They simply could not, or

<sup>1</sup> See his speech, Hansard, vol. clxxxvii., p. 781.

would not, see that the developments were bound to ensue, and, while protesting their respect for the constitution and for the social system on which it was based, they proceeded, under cover of a cloud of words, to pull it about their ears.

For the work of 1867 could not be undone, neither could its logical implications be set aside. What had been done in the boroughs must be done sooner or later in the counties, and opinion was rapidly organised to demand the completion of the work. The caucus was established at Birmingham, and developed into the National Liberal Federation. The formulation of political programmes was transferred from the House to the constituencies; and the extension of the suffrage in the counties was put in the front of the Liberal demands. Nor was it repudiated by the Conservatives. They did, indeed, oppose the Bill of 1884, but not directly on its principle. It was not the extension of the franchise against which their efforts were urged, but the attempt to deal with it apart from the question of the redistribution of seats. Mr. Goschen alone opposed the principle of the Bill; and even he was obliged to confess that he 'had not seen any political forces inside or outside the House which associated themselves with his opposition.'<sup>1</sup>

<sup>1</sup> 'The Conservatives in this House, as a party—I think they will acknowledge it themselves—have not opposed the principle of an extension of household suffrage to the counties.'—Hansard, vol. cclxxxix., p. 1444.

Were both parties, then, prepared for democratic government? Were they prepared for the reform or the abolition of the House of Lords? For the predominance of labour in the Commons, and an age of socialistic legislation? Not in the least. They were merely involved in the irresistible logic of facts. They have enfranchised the town artisans, why not the agricultural labourer? They have created a lodger franchise, why not a service franchise too? They are merely completing in 1884 what they began in 1867. There is no new creed, no change of principle. Mr. Gladstone in 1884, like Lord John Russell in 1832, takes his stand, not upon the abstract right, but upon the presumed capacity of those who are to be admitted to the vote. 'The enfranchisement of capable citizens,' he says, 'gives an addition of strength to the State.'<sup>1</sup> This is nothing but the old orthodoxy of the Whigs. But so elastic are the articles of the creed, so vague its terms, that the formula which in 1832 had excluded the great majority of householders, in 1884 not only admits them all without distinction, but further includes their lodgers and their servants. The principle of universal suffrage, it is true, we have not even yet accepted, but the tendencies of the time are unmistakable. The admission of another batch of electors by an amendment of the

<sup>1</sup> Hansard, vol. cclxxv., p. 407. Cf. the speech of Sir George Trevelyan (*ibid.* p. 447): 'The vote should be given to every intelligent and independent man. And what is the test of intelligence and independence?—the test of resident occupancy of a house.'

registration laws has been already embodied in a Bill by the Liberal Government; the enfranchisement of paupers is demanded by the Socialists;<sup>1</sup> that of women even by prominent Conservatives; and it would not be very rash to predict that by a process similar to that which we have been examining we shall find that the complete democratic creed has been adopted in fact even while we still continue to repudiate it in theory. However that may be, the achievement of the past is incontestable. Under the name of reform, and under the protection of a professedly Conservative theory, has been effected what is seen in the retrospect to be nothing short of a revolution.

The extension of the franchise has necessarily involved the reversal of the other principle to which both Whigs and Tories endeavoured to cling—the principle of variety of representation. In all the earlier Bills that were introduced by both the great parties it had been proposed to enfranchise certain special categories of citizens, with a view to give appropriate weight to thrift and education. In 1852 Lord John Russell proposed to admit to the vote all who paid 40s. a year to the assessed taxes or the income tax. In 1854 he was for adding to these a number of other categories—those who were receiving annual salaries of 100l.; those who had 10l. in the funds, in the Bank, or in Indian stock; depositors in savings banks to the

<sup>1</sup> *Fabian Tracts*, no. 11, p. 6.

amount of 50l.; and graduates of any university in the United Kingdom. Similar provisions were adopted in the Conservative Bill of 1859, with a further attempt to increase the political importance of the educated class by enfranchising not only graduates, but ministers of religion, members of the legal and medical professions, and school-masters holding a certificate from the Council. In the Bill of 1860 the extra franchises do not appear, but in that of 1866 it is still proposed to give a special vote to depositors in savings banks. The Bill of 1867, as originally proposed, would have enfranchised all who paid 20s. a year in direct taxes, all depositors up to 50l. in a savings bank, and all who answered certain educational tests. But these provisions, together with every other limitation and check, were eliminated from the Bill in committee. Plausible arguments could be brought against them all, and, what is worse than argument, epigram. They were obscure, they were complicated, they were uncertain in their operation; above all, they were 'fancy franchises.' That finished the matter. Radicals rallied with enthusiasm to the 'good old English' rule, and the 'innovations' succumbed without a struggle to the simpler plan of counting heads. No attempt was made to revive them in 1884, and the principle of variety of representation was quietly laid aside.

This indeed was inevitable, but is none the less instructive. However sound in general the

principle may have been, in any particular application it was shifting and insecure. To secure a distinct voice in the State for particular interests and classes might be in itself a wise and laudable aim ; but to determine who was to be favoured, and with what proportion of influence and weight, was a task beyond the power of calculation. Any particular proposal must be necessarily open to attack ; its friends must be half-hearted, its enemies truculent ; and a theory which, considered in itself, may be still regarded as just, was abandoned in despair of the possibility of giving it a satisfactory practical effect. The question, What are the interests, like the question, Who are the competent ? was found, in fact, to admit of no definite answer, and the supremacy of numbers was admitted, not so much by any conviction that it was just, as by the mere collapse of the opposing alternative.

But the extension of the suffrage, and its extension to numbers instead of to classes and interests, immediately brought into prominence a new and important point. Under the system which was being gradually adopted it was clear that the particular sections of the electorate, about which both Whigs and Tories had been specially solicitous, would tend to be completely extinguished under the numerical mass. The question was therefore raised whether special protection should not be given to minorities. Under the present system, in any given constituency, a party

that may be in a minority by only one vote cannot return a representative at all ; and while particular minorities thus are virtually disfranchised, it may yet be the case after all that it is only a minority of the whole electorate that is represented, on any particular question, by the majority in the House.<sup>1</sup> This is clearly opposed to the democratic principle, which claims for every citizen an equal share of political power, and still more was it opposed to the principle of ' variety ' and ' competence.' Attempts, accordingly, were made to remedy the defect ; and first, as early as 1854, by Lord John Russell. In the counties and towns to which he was about to give three members, he proposed that each elector should have only two votes, so that a minority of one-third might be certain of returning a representative. The Bill of 1854 did not pass, but the same provision was introduced by the Lords into the Act of 1867. A more drastic attempt by John Stuart Mill to secure the same

<sup>1</sup> See Mill's *Representative Government*, chap. 7. Sir John Lubbock, in his speech in 1884, gives concrete examples of the absurdities of the present system :—' In Belgium, at the election of 1882, the Liberals had a majority of 40 in Ghent, and returned all the 8 members. If the other party had polled 21 more votes, the majority in the Chamber would have been reversed, and the government changed.' In Kent ' we polled in the three divisions 18,000 votes against 16,000 given to an opponent, and yet they have all the 6 seats. Taking the county as a whole, we polled 32,000 votes against 36,000, yet they have carried 16 members and we 2.' In 1874 the Conservatives polled 1,222,000 votes against 1,436,000 and were in a *majority* of 50. In 1880 the Liberals and Home Rulers polled 2,880,000 votes against 1,418,000 Conservatives. They should, therefore, have had a majority of 370 to 280 ; what they had was a majority of 414 to 236. Hansard, vol. cclxxxv., p. 449.

end by the adoption of Mr. Hare's scheme of proportional representation, was received as novelties are wont to be received by an English House of Commons. The arguments in favour of the scheme were as conclusive as they proved to be ineffectual. The House listened, declined to understand, and dismissed almost without discussion this statesmanlike attempt to perfect the machinery of the democracy into which they were on the very point of stumbling. Meantime, the amendment of the Lords to secure a representation for the minority in certain constituencies returning three members, though it was accepted by the Commons, disgusted the Radicals. To enfranchise the minority they regarded as equivalent to disfranchising the majority, and the Birmingham caucus was formed with the express intention to defeat what Mr. Schnadhorst, with unconscious humour, described as 'that odious attempt to defraud the constituency of its rights.'<sup>1</sup> Such a reception was not favourable to a further prosecution of the idea; but still it was revived in 1884 by Mr. Goschen and Sir John Lubbock. It was proposed that in all constituencies returning more than one member each elector should have as many votes as there were members, and should be allowed to give them all to one candidate; but the effort was vain. The National Liberal Federation, with a splendid audacity, declared that 'the

<sup>1</sup> *Nineteenth Century*, vol. xii., p. 13.

attempt to secure the representation of minorities by special legislative enactments is a violation of the principle of popular representative government,'<sup>1</sup> and the House not only rejected the proposition of the cumulative vote, but even withdrew the concession made in 1867 by enacting that all towns returning more than two members should be divided into wards, and each ward return a single member by a bare majority. The 'odious attempt to defraud the constituency of its rights' was formally abandoned, and the system which Mill had proved to be essential to a true representative government, and which the National Liberal Federation had declared to be a violation of its principle, was finally dismissed from the region of practical politics.

While the basis of the House of Commons was being thus transformed in the popular sense, changes in a similar direction were being effected in the distribution of seats. The Act of 1832, though it disfranchised a number of the smaller boroughs and transferred their representation to the counties and the great towns, made no pretence of adopting the principle of equal electoral districts. Boroughs were disfranchised, not because they were small, but because they were corrupt; others were enfranchised, not because they were large, but because they had as good a claim to representation as any other place. But

<sup>1</sup> *Sixth Report*, 1888, p. 15.

through all these changes the general view was maintained that, whatever the size of a place, it was sufficiently represented by two members, and that the share of political influence should be the same for the larger as for the smaller towns. The constituencies were regarded as spokesmen in a national parliament, not as forces opposed or combined in a pitched battle, and the decision of one was entitled to as much weight as that of another.

There were, however, points in the new settlement which were incompatible with this general view. In the first place some fifty of the smaller boroughs were left with only one representative; in the second place a number of counties were divided, and their representation doubled, and four new boroughs were created in the capital. This was to admit, in contradiction to the general theory on which the Bill was based, that one constituency, because it was small, might be docked of political power, another, because it was large, might claim an exceptional preponderance. And here, as in other respects, 1832 was the beginning of the end. The exception admitted into the first Reform Bill was developed in later Acts to the subversion of the original principle. The Conservative Redistribution Bill of 1868 further extended the innovations of 1832. From 35 boroughs it took one member, selecting those whose population was less than 10,000; to 4 great towns it gave 3 representatives

instead of 2; and it subdivided several of the counties. Far more sweeping was the Act of 1885. By merging in the counties the smaller boroughs, to the number of 79, it deprived them of their independent representation; from 36 boroughs it took 1 member; 2 it disfranchised altogether; and the 132 seats thus secured it distributed among the counties and towns in proportion to their population. Thus, for example, to London are assigned 61 members, to Liverpool 9, to Birmingham 7, to Manchester 6, to Sheffield and Leeds 5 apiece, to Bristol 6, to Bradford, Hull, Nottingham, Salford, and Wolverhampton, 3; 19 towns return 2 members each; and the remainder only 1. Such an arrangement, taken in connection with the extinction of the smaller boroughs, is a clear admission of the principle that political weight is to be measured by population. For equal electoral districts, it is true, we are not yet prepared, and they were even formally condemned by the government that was responsible for the present arrangement;<sup>1</sup> but no one can doubt that it is in that direction we are moving. Quietly, and without any expression of a definite change of view, the whole basis of the legislature has been transformed. The member for a constituency is no longer conceived as the spokesman for a particular district; he is regarded as the trustee of a certain definite amount of political power,

<sup>1</sup> See Hansard, ccxciv., p. 372.

determined by the measure of a certain definite population. The process of redistribution has been, like that of the extension of the franchise, a transition, half reluctant and half unconscious, to the democratic principle.

While thus the control of the State has been surrendered by the governing class to the majority, almost all that legislation can do has been done to make that control effective. The bribery laws and the ballot are an important supplement to the Reform Acts. The continuance, and even the increase, of bribery and corruption after the settlement of 1832 has been already noticed; and it is clear that while such influences are strong the power of the majority is little more than a name. The real government will rest with those who are most successful in applying pressure, and must always reside in some section or other of the propertied class. Long before the Reform Bill of 1832 attempts had been made to cope with the evil by legislation,<sup>1</sup> and after that date the efforts were redoubled. From 1842 to 1883 a series of increasingly stringent Acts were passed. Election petitions were transferred from a committee of the House to the Judges; the return and publication of all election expenses were enforced by law; corrupt and illegal practices were fully and minutely defined, and, finally, by the Act of

<sup>1</sup> A list of the Acts passed from 1696 to 1835 is given at vol. viii. p. 715 of the *Parliamentary Reports of 1835*.

—1883, were made a criminal offence, punishable at discretion by fine or imprisonment.<sup>1</sup> This latter Act appears to have been, for the moment at least, as effective as it was extreme; for whereas 'after the election of 1880 no less than 95 petitions were presented, impugning elections on the ground of some form of corruption—after the election of 1886 there was not a single petition.'<sup>2</sup> After the election of 1872 petitions again appear, but not more than nine were brought to trial;<sup>3</sup> and there seems reason to suppose that the evil, at least in its cruder forms, is being suppressed.

To the same end has contributed the Ballot Act of 1872. By providing for the absolute secrecy of the vote, and by prohibiting the hourly publication of the state of the poll, it has, at any rate, put serious difficulties in the way of intimidation and bribery. How far these are overcome

<sup>1</sup> Acts were passed in 1842, 1852, 1854, 1858, 1863, 1868, 1879, 1883. The chief were as follows:—(1) That of 1852 providing for the appointment of a commission on an address of both Houses of Parliament, to inquire into any case where bribery or corrupt practices are alleged. (2) That of 1854, providing for the appointment of public auditors, by whom election payments should be made and election accounts published. Providing also that persons convicted of bribery should be struck off the register of voters. (3) That of 1868, transferring the trial of election petitions to the Judges. (4) That of 1883, providing for the appointment of election agents, by whom election payments shall be made and election accounts returned. Providing also that corrupt and illegal practices shall be punished by fine or imprisonment, as well as by certain civic disqualifications.

<sup>2</sup> See Bryce, *American Commonwealth*, vol. ii., p. 522 note.

<sup>3</sup> See *Annual Register*, 1892, p. 163.

in practice only election agents can say; but the Legislature at least has done its best. It has endeavoured to protect the elector not only against his landlord or employer, but against himself; to make it as impossible for him to be bought as to be coerced in the disposition of his vote, and to secure him in the free exercise of such judgment as he may be supposed to possess. Not only, then, has the governing class transferred its power to the mass; it has done what legislation can do to make effective the exercise of that power. It has renounced not only its monopoly but its oblique control of power, in so far as such renunciation can be effected by positive law. It has not only invited the democracy; it has compelled it to come in.

One other point must be noticed before our survey is complete. The series of changes which has just been described has involved a further consequence as little intended by Whig or Tory reformers as any other part of the transformation. According to the theory of the constitution held by both the great parties, a member of parliament was regarded, not as a delegate but as a representative; he enjoyed, or was supposed to enjoy, the general confidence of his constituents; but on any one particular point he was free to act as he chose. 'Your representative,' said Burke to his constituents, 'owes you not his industry only but

his judgment, and he betrays instead of serving you if he sacrifices it to your opinion. . . . Parliament is not a congress of ambassadors from different and hostile interests. . . . It is a deliberative assembly of one nation with one interest, that of the whole, where not local purposes nor local prejudices ought to guide, but the general good. . . . You choose a member, indeed, but when you have chosen him he is not a member of Bristol but a member of Parliament.’<sup>1</sup>

7. But this is a view that has been tacitly abandoned in the process of parliamentary reform. No sooner, indeed, was the Bill of 1832 passed, than an attempt was made to establish the system of exacting pledges from candidates. A committee of the liverymen and of the new electors of the City of London drew up resolutions to be submitted to a general meeting of the electors, binding them to vote for such candidates only as will support certain definite measures, and pledge themselves to act ‘at all times and in all things conformably to the wishes of their constituents deliberately expressed.’<sup>2</sup> The Council of the National Political Union adopted a similar policy, which was also supported by the ‘Morning Chronicle.’ But the movement, though significant, was somewhat premature. Even Radicals of the time were opposed to a general exaction of pledges.

<sup>1</sup> Burke’s speech on his election to Bristol in 1774.

<sup>2</sup> *Add. MS.* 27796, f. 47.

James Mill wrote to that effect in the 'Examiner,'<sup>1</sup> and his opinion was afterwards elaborated with yet greater force by his son. 'A man of conscience and known ability,' says John Stuart Mill, 'should insist on full freedom to act as he, in his own judgment, deems best, and should not consent to serve on any other terms.'<sup>2</sup> And if this was the view of the philosophical Radicals, still more was it that of the statesmen of the governing class. That it was their function to lead, not to follow, and to lead without pressure or direction from the mass, was, and continued after 1832, the faith of both Whig and Tory chiefs. 'In pursuing a course of salutary improvement,' said Earl Grey in 1833, 'I feel it indispensable that we shall be allowed to proceed with deliberation and caution; and above all that we should not be urged by a constant and active pressure from without to the adoption of any measures the necessity of which has not been fully proved.' And twelve years later, when Sir Robert Peel is preparing to rescind the corn laws, we find him deliberately refusing to appeal to the constituencies on the ground that the question is too important to be prejudged at the hustings. 'I thought,' he says, 'that such an appeal would ensure a bitter conflict between different classes of society, and would preclude the possibility of dispassionate consideration by a parliament, the members of which would have

<sup>1</sup> *Examiner*, July 1 and 15, 1833.

<sup>2</sup> *Representative Government*, chap. xii.

probably committed themselves by explicit declarations and pledges.'<sup>1</sup>

Such was the attitude of statesmen in the period that immediately followed the first Reform Bill. But during the latter half of the century it has been so completely reversed that it is a clear and recognised article of the theory and practice of both parties, that no measure of first-class importance must be introduced into Parliament, unless it has received, or can be supposed to have received, the sanction of the constituencies. The change was an inevitable result of the progress of democracy. Already, as early as 1867, Mr. Lowe is noticing the fact that the representative is being converted into a delegate,<sup>2</sup> and the Reform Bill of that year precipitated the transition. The 'caucus'<sup>3</sup> was established in Birmingham, and rapidly spread over the whole country; its organisation was brought to a focus by the Liberals in the National Liberal Federation,<sup>4</sup> and by the Conservatives in the National

<sup>1</sup> *Memoirs*, by Sir Robert Peel, vol. ii., p. 166, ed. 1857.

<sup>2</sup> See Hansard, clxxxii., p. 156.

<sup>3</sup> The machinery of a 'caucus' is, roughly speaking, as follows. The constituency is divided into wards. In each ward all Liberal electors have the right to attend to elect members, (a) to the Ward Committee, (b) to the General Committee, (c) to the Executive Committee. The candidates for the constituency are selected by the General Committee.

<sup>4</sup> 'The National Liberal Federation' was established in 1877. Its machinery is: (1) A 'Council' composed of delegates from the federated associations. The number of delegates sent by each association is determined in proportion to its population. The Council receive the annual report of the General Committee, and frame resolutions declaring the general policy of the party. (2) A 'General Committee,'

Union of Conservative and Constitutional Associations,<sup>1</sup> and by means of these institutions a complete transformation has been wrought in the relations of members of parliament to the electorate. In the first place the candidates for a constituency are selected either by the local or by the central association, and only on condition that they adopt the party programme; and this system, if it has not become, is rapidly becoming

similarly composed, but less numerous, to carry on the general business of the federation. (3) A 'General Purposes Committee' (established in 1890), composed of the officers of the Federation and of not more than 20 members selected by the General Committee. This committee 'shall consider representations from the federated associations, shall decide the place and time of the annual meetings, shall prepare the business for meetings of the Council, and shall generally carry on the business of the Federation.'—13th Report, p. 8. So rapid was the progress of the association that the report of 1880 was able to declare that 'in boroughs especially, the older methods of private and irresponsible party management have practically come to an end.'—2nd Report, p. 7. And in 1888 the more sweeping statement is made that 'to-day the Liberal organisation throughout England and Wales and Scotland is based solely upon the popular principle.'—11th Report, p. 12.

<sup>1</sup> The 'National Union of Conservative and Constitutional Associations' was founded in 1867. Its executive is a council, elected annually, and consisting of: (1) The President and Trustees of the National Union, the Chairman of each of the divisions of the National Union, one of the parliamentary Whips, and the principal agent of the party; (2) twenty-one members elected annually by the Conference from the members of the National Union; and (3) three members elected annually by each of the divisions of the National Union. It holds an annual Conference, consisting of: (1) The President, Vice-President, Trustees, Members of the Council, and Honorary Members of the Union; (2) one elected representative from each subscribing Association and Club; (3) all officers and members of the Council of each division of the National Union, also the principal paid Conservative agents, or paid Secretary of each constituency in each division; (4) special delegations, each consisting of twenty representatives, elected by the chief or central Conservative organisations of Scotland and Ireland respectively.

universal.<sup>1</sup> In the second place, the elected member is under constant pressure from his constituents. To organise simultaneous protests, addressed, at critical points, to members who show signs of a dangerous independence, is one of the recognised functions of the National Liberal Federation. 'If the caucus had existed in 1866,' says Mr. Schnadhorst in a burst of confidence, 'the Cave of Adullam would have been almost untenanted;'<sup>2</sup> and later examples show that the boast was justified. In 1881, for instance, there were signs of wavering in the Liberal ranks on the question of the Irish policy of the government. Instantly, a circular was issued by four officials of the Federation, calling upon the Liberal associations to put pressure on their representatives. 'The time has come,' they announced, 'for Liberal constituencies to declare that proceedings which involve such danger to the nation, and to the Liberal Government, cannot be tolerated.' 'The circular,' we are told, 'produced the effect which the committee hoped to secure,' and the Liberal Government was saved, to save the

<sup>1</sup> 'As late as the general elections of 1868 and 1874, nearly all candidates offered themselves to the electors, though some professed to do so in pursuance of requisitions emanating from the electors. In 1880 many—I think most—Liberal candidates in boroughs, and some in counties, were chosen by the local party associations, and appealed to the Liberal electors on the ground of having been so chosen. In 1885 nearly all new candidates were so chosen, and a man offering himself against the nominee of the association was denounced as an interloper and traitor to the party. The same process has been going on in the Tory party, though more slowly.'—Bryce, *American Commonwealth*, vol. ii., p. 418, note, ed. 1888.

<sup>2</sup> *Nineteenth Century*, vol. xii., p. 24.

nation.<sup>1</sup> Similar tactics were adopted with equal success in 1883.<sup>2</sup> The member for Brighton ventured to introduce an amendment on the machinery of the closure; the amendment was unacceptable to the party as a whole, but there were certain Liberal members whose support it seemed likely to secure. The Federation accordingly took action. 'Resolutions, appeals, remonstrances, warnings, rained down upon the heads of the unhappy members who were thought about to stray,' and the amendment in question was thrown out.<sup>2</sup>

Enough has been said to illustrate what is hardly open to dispute—the conversion of the representative of a constituency into its obedient and passive delegate. Admitted as a candidate only by the choice and approval of the Caucus, controlled by the opinion of his constituents instead of guiding them by his own, he is returned to support a programme to which he is previously pledged, and for any deviation from which he is held to be guilty of a breach of trust. .

But this transformation, important as it is, is no more than an inevitable corollary of the whole process of development which it has been the object of this chapter to expound. By successive extensions of the franchise, and concomitant abolition of tests, both of property and of residence; by

<sup>1</sup> *Fourth Report*, pp. 14, 15.

<sup>2</sup> *Nineteenth Century*, vol. xi., p. 962; and *Fifth Report* (1882), pp. 10, 11.

the restriction of bribery; by the introduction of the ballot; and, lastly, by the party organisation which has been at once the cause and the effect of these, a House, which even after 1832, was mainly controlled by the landed aristocracy, has been converted into a democratic chamber, returned by something approaching to universal suffrage. And so far is it from the fact that this conversion has been opposed by the governing class, that it may almost be said that they led the way. No doubt it would have become impossible, in time, to resist the movement of opinion; but they made no attempt to resist; on the contrary, they were eager to forestall it. It was at a season of general apathy that they introduced the first of their series of Reform Bills; and the Act of 1867, which finally determined the democratic policy, anticipated, rather than lagged behind, the opinion of the average man. Nothing, therefore, could be more mistaken than the idea that the aristocracy have obstructed reform, or that they have conceded it only under the pressure of an overwhelming popular demand. In 1884, it is true, such pressure was brought to bear; but it is 1867, not 1884, that is the turning-point of the movement; and the Bill of 1867 was introduced not so much in deference to public opinion, as in pursuance of a series of measures which had originated in the House itself, and in redemption of the voluntary pledges of a succession of governments.

On the other hand, it was never the intention of those who initiated reform that it should lead to the point at which we are actually arrived. To admit to the electorate competent citizens, and to the House representatives of all the interests of the country, was the only object of Whigs and Tories alike; and if in pursuance of that policy they are being led by degrees to manhood suffrage, that was by no means the end they desired to reach. Still less did they intend or anticipate such a preponderance of the representative House as would endanger the functions and the existence of the House of Lords. They believed in the theory of the constitution as a balance of the three powers, even while they were doing their best to render its realisation impossible; and what they really effected was not only not part of their plan, but was in direct antagonism to their principles and their will.

*summary* If, then, we review the process from 1832 to 1884, it may be presented briefly somewhat as follows:—A governing class in which the landed aristocracy is the preponderant influence, retaining its substantial power, but shaken in its tradition and its faith, without the deliberate intention to move, or at least to move towards a definite end, has yet by mere absence of conviction been unable to stand still. Torn up from its root of prescription it has not succeeded in fixing itself afresh. Confronted not by superior force, nor by irresistible popular pressure, but by a general trend of opinion

with which it was partly in sympathy, it yielded because it contained in itself no principle of resistance. Motion, in the abstract, it admitted; of the velocity and the direction it lost control. The limits and checks it was prepared to impose it was equally prepared to abandon; and without determination, without approval, almost without perception, it abdicated its functions to a democracy against which it had never ceased to protest.

And the revolution above described in the central government has been accompanied, as was naturally to be expected, by a similar transformation of local institutions. To attempt anything like a history of this process, or to describe in detail the conditions actually existing, would be beyond the purpose of the present work. It is necessary, however, to supplement what has been said about the development of the House of Commons by some account of the general character and result of the corresponding changes in local administration.

Under the aristocracy the whole internal government of the country (with the important exception of the towns incorporated under charters) centred about the office of justice of the peace. This office was confined to the rich by a property qualification, and was given on the recommendation of the lord lieutenant of the county. Practically, it was exercised by the country gentlemen, so that the same class who were supreme at Westminster were also supreme in the parish and the county; and it

is to this fact that certain historians have attributed the strength and efficiency of the eighteenth century system.

For the function of the justices of the peace was not only judicial but administrative; not only did they constitute then, as they do now, the tribunal for the trial of all minor offences, but they managed the whole of the public business of the county. Hospitals and prisons, highways, forests and fisheries, the regulation of wages, the grant of licences, the supervision of the police, and generally the care of public health and discipline, all this was entrusted to the commission of the peace; and on the whole was so creditably performed that it is rare to find, even in the bitterest attacks upon the government of the aristocracy, any serious and comprehensive indictment of the probity or the capacity of the unpaid magistrate. Abuses, no doubt, there were, especially in connection with the administration of the game laws; the Allworthys, as we know from Fielding, had their foil and their complement in the Westerns; but history, on the whole, has not challenged the ancient sentence of Coke that the authority of the justice of the peace is 'such a form of subordinate government for the tranquillity and quiet of the realm as no part of the Christian world hath the like if the same be duly exercised.'<sup>1</sup> In confirmation of this verdict it

<sup>1</sup> I do not think this estimate has been seriously disputed. But of course there is much to be said by way of modification, though

may be noted that the transference of the administrative powers of the justices of the peace to elected authorities has been accomplished rather in obedience to the general theory of representative government than from any idea that the administration under the old system had proved to be either inefficient or corrupt.<sup>1</sup>

rather on the judicial than the administrative side. Fielding's portrait of Squire Western, for example, gives occasion for much reflection; and there is a passage from another of his works which may be worth quoting in this connection. 'In some counties, perhaps, you may find an overgrown tyrant, who lords it over his neighbours and tenants with despotic sway, and who is as regardless of the law as he is ignorant of it; but as to the magistrate of a less fortune and more knowledge, every riotous independent butcher or baker, with two or three thousand pounds in his pocket, laughs at his power, and every pettyfogger makes him tremble.'—H. Fielding, 'An Inquiry into the Cause of the late Increase of Robbers, &c.,' *Works*, vol. x., p. 845. Reference may also be made to Brougham's speech of February 7, 1828 (Hansard, xviii., 166), in the course of which he says 'there is not a worse constituted tribunal on the face of the earth, not before the Turkish *cadi*, than that at which summary convictions in the game laws take place.'

<sup>1</sup> The following extracts from the debate on the Local Government Act of 1888 will illustrate this point. Mr. Ritchie, referring to the fact that there was no 'pressing demand' in the country for the measure, attributed this circumstance 'very largely to the belief on the part of the public that the duties of the existing county authorities are well performed, and that there does not exist any amount of dissatisfaction in the public mind with the way they are performed.'—Hansard, cccxxviii., p. 1642. Sir Walter B. Barttelot quoted a remark of Mr. Cobden's: 'The one thing that strikes me of all others is the way in which the county magistrates do their duty. The care and attention which they pay to their work, especially to matters of finance, entitles them to all credit.'—*Ibid.* cccxxiv., p. 1188. Mr. Fowler 'thought it would be a great calamity to the country if it were to be deprived of the services of those who . . . had for so many years devoted themselves gratuitously and with the greatest efficiency and economy to the administration of local affairs.'—*Ibid.* p. 1148. Mr. Gardner, speaking as a Radical, 'would point out that the Bill swept away the administrative qualities of the Quarter Sessions, about which as to

When, however, we turn from the administration of the county to that of the towns, we are met by an altogether different order of facts. Here it may fairly be said that before the date of the first Reform Bill the existing institutions had completely broken down. The boroughs incorporate under charters did, in fact, afford a better example of the disadvantage of government by a privileged class than is to be met with anywhere else under the aristocratic system. But in this case the privileged class was not the aristocracy, but a body of magnates of the middle class. ✓

The report of the commission on municipal corporations, issued in 1835, contains a minute and detailed exposition of the abuses which had grown up under the existing charters. Favourable exceptions, no doubt, were to be found, but on the whole the report is an uncompromising and unanswerable indictment. It appears that the corporations, as a general rule, were 'separate and exclusive' bodies, comprising a governing council, which was commonly self-elected, and a number of freemen small in proportion to the total population of the town and frequently drawn from its poorest and most venal class;<sup>1</sup> that the councils were

economy of administration much might be said, and retained their judicial qualities, which were the real cause of the popular outcry against "the great unpaid." '—*Ibid.* cccxxv., p. 51.

<sup>1</sup> At Ipswich, for example, the freemen were one fifty-fifth of the population; of these more than one-third were not rated, and of those rated many were excused payment. About one-ninth were paupers. More than eleven-twelfths of the property of the place belonged to

commonly of one political complexion, and that, in particular, it was rare for a dissenter or a Roman Catholic to find a seat upon them ; that as a result of this constitution numerous abuses had grown up ; that there were cases, for example, where the corporate offices were treated as matters of patronage, where the magistrates, elected by and from the councils, were incompetent and partial,<sup>1</sup> and where the police were insufficient, even in quiet times, to maintain the most elementary conditions of order ; while generally, the lighting, paving, and other services of the towns had been so neglected by the corporations that they had been transferred to special commissioners.

These general statements may be illustrated by their particular application to the town of Leicester. There the corporation and all its officials, in every department, were rigorously Tory, and no dissenter had ever been admitted to the corporation or allowed to share in any of its charities. A full statement of the accounts of the corporation was refused, and it had not been the custom to publish them ; but it was clear that there had been illegitimate expenditure,

those who were excluded from the corporation. All the inhabitants whose rent exceeded 4*l.* were taxed for municipal purposes, and of those so taxed less than one-fifteenth were freemen of the corporation. *Reports of Commissioners, 1835*, vol. xxiii., p. 33.

<sup>1</sup> At East Retford a witness who had been clerk to the magistrates 'on one occasion saw the magistrate fighting with a prisoner, and struggling with him on the floor.' 'At Malmesbury the magistrates are often unable to write and read.' 'At Carmarthen verdicts are frequently given against justice, from party bias.'—*Ibid.* p. 39.

and that corporate lands had been alienated to the profit of individual members of the corporation; 'as administrators of public funds,' say the commissioners, 'it is impossible to speak of the corporate authorities except in terms of unqualified censure.' The town was insufficiently watched and lighted, the accommodation of the gaol was defective, and the police were so imbued with the political opinions of their employers that 'every man of opposite opinions believes he sees in a peace officer an armed adversary.' The corporate charities were reserved for those who supported the candidates of the corporation at elections. The competency of the magistrates was doubtful, and there was a general belief that their political opponents did not get fair play.

If these were the conditions within the limits governed by the corporations, still worse was the state of the great towns, or suburbs of towns, which had grown up without any provision being made for their government at all, beyond the ordinary organisation of the parish and the county. In Bedminster, for example, a suburb of Bristol with a population of 13,000, the only police was a head constable, a petty constable, and five tithing men, and there was no Act for lighting and paving any part of a parish twenty-one miles in circumference.<sup>1</sup> Toxteth Park, a suburb of Liverpool, with a population of 25,000, had 'only four

<sup>1</sup> *Reports of Commissioners*, vol. xxiv., p. 1186.

constables, no select vestry, and no regulation for watching, lighting, or paving the streets ;' it had become 'the resort of the worst ruffians of Liverpool ;' and its state was described 'as amounting almost to one of immunity for crime.'<sup>1</sup>

But the most striking case of this kind was that of the metropolis. The huge and populous suburbs which had grown up about the city of London had no other organisation, till towards the close of the eighteenth century, than that of any ordinary county district. Law was administered by unpaid justices of the peace ; police, by the constables of the various parishes. The result was a complete break-down of the system. Justice fell into the hands of an inferior class of men, who, receiving no salary for their labours and having no sufficient private means, were driven to make up an income by extortion. They were known as 'trading justices,' and their procedure is graphically described by a witness examined before the committee of 1816. 'At that time it was a trading business ; and there was justice this and justice that. Justice Welch, in Litchfield Street, was a great man in those days, and old Justice Hyde, and Justice Girdler, and Justice Blackborough, a trading justice at Clerkenwell Green, and an old ironmonger. The plan used to be to issue out warrants and take up all the poor devils in the street, and then there was the bailing of them, 2s. 4d., which the magis-

<sup>1</sup> *Reports of Commissioners*, vol. xxvi., p. 2715.

trates had ; and taking up 100 girls, that would make, at 2s. 4d., 11l. 13s. 4d. They sent none to gaol, the bailing them was so much better. It was a great blessing to the public to do away with those men, for they were nothing better than encouragers of blackguards, vice, and plunderers ; there is no doubt about it.' <sup>1</sup>

Equally inefficient and unsatisfactory was the state of the police. Its regulation was left to the inhabitants of each parish ; with the result that 'while in some few parishes the watch is well regulated, in others it is very imperfectly constituted ; and in many there appears no regular establishment of watch whatever.' In Spitalfields at the beginning of the century 'there were such depredations, people could not go along the streets, and the police of the district were not sufficient for the protection of the district ;' and the Kensington district, with a circumference of fifteen miles, was supplied with a staff of only six constables.<sup>2</sup>

So serious, indeed, was the evil that years before the first Reform Bill it had occupied the attention of the government. In London the first police offices were established in 1792, and in 1827 the Metropolitan Police was organised in its present form. Elsewhere it had been the custom for the towns to apply for local Acts, whereby their light-

<sup>1</sup> *Reports of Commissioners*, 1816, vol. v., p. 140.

<sup>2</sup> *Ibid.* 1828, vol. vi., pp. 22, 25, 27.

ing, paving, police, or other public services, were entrusted to the care of special commissioners. In this way the most pressing necessities were met. But a complete reshaping of the whole system of local government was not attempted or contemplated by the aristocracy; it has been the task of a succession of reformed parliaments.

One of the earliest steps in this transformation was the Municipal Corporations Act of 1835. By this Act the old corporations, with their privileges and exemptions, were swept away; the municipal franchise was extended to all inhabitant ratepayers; and the government of the corporate towns entrusted to councillors chosen by the new electorate, and to aldermen selected by the councillors. The democratic principle was thus more fully admitted in the constitution of these new corporate bodies than in that of the reformed parliament. Still, it was modified by the introduction of the ratepaying test, and of a high property qualification for councillors and aldermen. And even so the Municipal Corporations Act is an exception to the general policy adopted for half a century after the Reform Bill. In almost every department of local government, right up to the year 1888, two tendencies are clearly to be detected. The first, to increase rather than to diminish the administrative powers of the justices of the peace; the second, in the case of popularly elected bodies, to give a preponderating influence to property.

With regard to the first point, we find that the justices of the peace were made *ex-officio* members of the Boards of Guardians established in 1834; by the identification of the Boards of Guardians with the Rural Sanitary Authorities (1872) they came to hold the same position on the latter; they also sat *ex officio* on the Highway Boards, erected in 1862; and they were entrusted with the supervision of the county police, established in 1856.

With regard to the second point, we find that on the creation of any new elective authority it was usual to introduce the system of plural voting —that is to say, to give to each elector a number of votes (not, however, exceeding six) in proportion to the amount of property on which he was rated. This system was applied, for example, to the election of Local Boards, of Boards of Guardians, and also to any elections made by Vestries. The only notable exception to its operation was the Elementary Education Act (1870), under which all ratepayers alike, whatever their property, have as many votes as there are members of the board to be elected.

The same care for the interests of property is shown by the regulations as to those who might hold office. For guardians of the poor, for members of local boards, and for town councillors (under the Act of 1835) there was a property qualification established; and in the two latter

cases it increased in proportion to the population of the district to be governed.

Clearly, then, for fifty years after the passing of the first Reform Bill, there was no attempt at a full and consistent application of the democratic theory to local government. On the contrary, it was the practice, on the one hand, to preserve and extend the aristocratic authority of the justice of the peace; on the other, to secure to the inhabitants, in the case of elected boards, an influence proportional to their liability to contribute to the rates.

But within the last ten years this practice has been completely reversed. The Local Government Acts of 1888 and 1894 are acts of disestablishment for the country gentleman and the ratepayer. The justices of the peace have been deprived of almost the whole of their administrative functions; they have been displaced from their *ex-officio* position on various boards; they have been deprived of the appointment of overseers in rural parishes, and, in part, of the control of the police;<sup>1</sup> and out of the whole of the public business which formerly passed through their hands they retain but a few, and these, with one exception, unimportant items. The exception is the grant and transfer of liquor licences.

Further, the whole system of plural voting has been swept away. Neither electors nor members

<sup>1</sup> The county police is now controlled by a joint committee of Quarter Sessions and the County Council.

of the County, District, and Parish Councils are subject to any kind of property qualification ; and every elector has one, and only one, vote. The District Council takes the place, in both urban and rural districts, of the sanitary authority formerly elected on the system of plural voting ; for rural districts, the district councillors are also the guardians of the poor ; and for urban districts the guardians are elected on the same franchise as the district councillors.

The total result of these changes is briefly as follows. The administrative powers of the justices of the peace have almost ceased to exist, and the whole public business of the parishes and counties, and to a great extent also of the towns, including the relief of the poor, the care of health and sanitation, highways, hedges, asylums, industrial schools, music and dancing licences, together with the levying of the poor rate and of all other local taxation, has been transferred to a hierarchy of popular representative bodies, of which neither the electors nor the elected are subject to a property qualification. Locally, as well as centrally, the landed aristocracy has been disestablished ; so has the wealthier section of the middle class ; and whatever superior influence is still retained by property is exercised, not directly by sanction of the law, but indirectly by social and economic weight.

## CHAPTER III

*THE HOUSE OF LORDS*

THE democratic development of the representative House, as it has been described in the preceding chapter, could not but affect the position of the House of Lords. The theory of the constitution which was held in the eighteenth century has, it is true, never been formally abandoned, and it is still the orthodox and official faith that the three powers in the State are equal and co-ordinate. In practice, however, it is generally admitted that the predominance rests with the Commons, and the only question at issue is whether or to what extent their absolutism should be checked by the Upper House. The theory that all power proceeds from the people, though it has never been embodied in any public act, has come to be tacitly accepted by all parties, not indeed as an eternal and absolute truth, but as a convenient expression of the practical conditions of government in England, as in the majority of Western States. The peers no longer stand upon their rights as an independent and co-ordinate estate; they recognise that the 'will of the people,' when once it has been really pro-

nounced, must be law; and if they oppose the Commons, they do so ostensibly on the ground that the representative House is misrepresenting the nation. This position has become so familiar to us that we hardly pause to observe that it implies a revolution in the theory of the constitution. The same system which served, during the eighteenth century, as the instrument of aristocratic government has become, without any change in its forms, the vehicle of democracy; and the supremacy which used to be vested, indirectly at least, in the Lords, has been transferred by an invisible process to the Commons.

Under the new conditions, however, the system does not work as smoothly and harmoniously as before. The predominance of the Lords over the Commons was secured by indirect representation in the Lower House; that of the Commons over the Lords is secured only by superior force. And the consequence is that from the date of the Reform Act of 1832 the two powers have been frequently at issue; and though with the increasing popularity of the representative House it has become increasingly necessary for the peers to yield, yet they have still sufficient power of resistance to make their relation to the Commons difficult and strained.

All this was clearly foreseen by the Tories of 1832, though it was characteristically ignored by their Whig opponents. Recognising that

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the working of the constitution hitherto had only been made possible by the supremacy in both Houses of a single homogeneous class, they perceived that to discriminate the Lords and the Commons as really independent powers must lead to intolerable friction, if not to the stoppage of the whole machine. 'There is no man,' said the Duke of Wellington, 'who considers what the government of the King, Lords, and Commons is, and the details of the manner in which it is carried on, who must not see that government will become impracticable when the three branches shall be separate, each independent of the other, and uncontrolled in its action by any of the existing influences.'<sup>1</sup> The prediction has been verified in the spirit if not in the letter. Government has not become impracticable, but it has become much more difficult than it was. Bills passed by the Commons have been constantly rejected or remodelled by the Lords, and so strong has the antagonism become at last between the two powers that the party which claims to be the popular one stands committed to the summary abolition of the veto of the Upper House.

The conflict began immediately after the first Reform Act. As early as 1834 the earliest proposition was made for a reform in the constitution of the House of Lords, by 'relieving the arch-

<sup>1</sup> Hansard, vol. vii., p. 1202.

bishops and bishops of the Established Church from their legislative and judicial duties' in that assembly. The benevolent suggestion was offered by the nonconformists, and was directed against the Church rather than against the peers. But in other quarters and on other grounds hostilities had already commenced. The opposition of the Lords to a number of measures passed by the Lower House had culminated in the amendments to the Bill for the reform of the English corporations (1835). The Government on this occasion yielded, reluctantly enough; and the Radicals were provoked to language which anticipated the rhetoric of 1894. The House of Lords, they declared, was 'an irresponsible body—a body with interests wholly opposed to those of the nation;' by it the people were 'checked, thwarted, insulted, trampled on, scorned and absolutely derided;' an 'unjust and selfish oligarchy' could no longer be allowed to defy 'the unanimous feelings and opinions of the people;' and while the peers retained their power, peace was impossible for England.<sup>1</sup> So strained indeed, at this period, were the relations between the two Houses, that not only Radicals, but even members of the Upper House itself doubted the possibility of the maintenance of its powers. The Duke of Richmond declared to Greville that he 'thought the House

<sup>1</sup> See Speeches of Roebuck and of O'Connell, Hansard, vol. xxx.,— (1 pp. 1162 seq.

of Lords was nearly done for ; ' <sup>1</sup> Lord Lyndhurst said there was ' no chance of their surviving ten years ; ' <sup>2</sup> and Lord Abercromby thought it hopeless that ' any body of men should recover from the state of contempt into which they have fallen. ' <sup>3</sup>

Yet the peers not only survived the crisis, but to such an extent recovered their position that, thirty years later, Bagehot could declare, with axiomatic dogmatism, that ' few things are less likely than an outbreak to destroy the House of Lords, ' and that the real danger is that it will decline and atrophy by virtue of the very security of its position. <sup>4</sup> This, however, was a prophecy as ill-grounded as the former. The enlargement of the electorate by the Act of 1867, and the more vigorous Radical action consequent thereon, brought into relief once more the latent antagonism of the two Houses, until at last, in 1884, they came to an open and angry rupture. The Lords refused to pass the Franchise Bill of that year until they had before them the scheme of redistribution. Their attitude roused a storm of indignation. Mr. Gladstone quoted Shakespeare in the House ; <sup>5</sup> Mr. Morley hit off the famous assonance, ' mend or end ; ' <sup>6</sup> the National Liberal Federation declared, in the style it has made its own, ' that the refusal

<sup>1</sup> Greville, *Journal of Reigns of George IV. and William IV.*, vol. iii., p. 288.

<sup>2</sup> *Ibid.* p. 313.

<sup>3</sup> *Ibid.* p. 291.

<sup>4</sup> *English Constitution*, No. 4. and Introduction to 2nd edition.

<sup>5</sup> Hansard, vol. cclxxxix., p. 1432.

<sup>6</sup> *Annual Register*, 1884, p. 156.

by the selfish majority of an irresponsible and non-representative body to give effect to a measure of enfranchisement approved by a great majority of the House of Commons, and finally passed by that House without a dissentient vote, is an unjustifiable and intolerable exercise of the powers of revision entrusted to the House of Peers, and is a direct challenge for the commencement of a conflict which shall never cease until the legislative functions of the second chamber are so changed as to bring them into harmony with the principles of popular and representative government ;<sup>1</sup> finally, Mr. Labouchere moved in the House, 'that in view of the fact that the Conservative party is able, and has for many years been able, through its permanent majority in the House of Lords, to alter, defeat, or delay legislation, although that legislation has been recommended by the responsible advisers of the crown and approved by the nation through its elected representatives, it is desirable to make such alterations in the relation of the two Houses of Parliament as will effect a remedy to this state of things.'<sup>2</sup> The dispute was settled at last by a compromise, regarded by Liberals as a 'capitulation of the peers to the people,'<sup>3</sup> and by Tories as a capitulation of the people to the peers. But the House of Lords had received, as we are informed, 'a respite not a pardon ;'<sup>4</sup> and a few

<sup>1</sup> *Seventh Report*, p. 16.

<sup>2</sup> Hansard, vol. ccxciv., p. 141.

<sup>3</sup> *Eighth Report of the National Liberal Federation*, p. 11.

<sup>4</sup> *Ibid.* p. 12.

years later, in 1891, we find the 'mending or ending' of them adopted on to the famous Newcastle programme. In 1893 they threw out the Home Rule Bill; and in 1894 the Liberal conference, at Leeds, passed a resolution in favour of abolishing their veto. The country, it is true, shows little inclination to endorse the proposition; but the fact that it has been adopted by the delegates of one of the great party organisations is significant of the changed relation between the representative and the hereditary powers. The peers, who before the Reform Act were the pivot of government, have been thrust by the expansion of the Commons into a position so insecure that the question raised is no longer whether they shall retain a predominant influence, but whether they shall have any share in the government at all; and what was once an essential organ in an association of three powers is supposed to be declining to the condition of a rudiment in a simple democratic State.

Such a supposition, however, is somewhat premature. It is based primarily on the conviction that the hereditary principle is incompatible with the principle of popular representation. This may, or may not, be true; but in itself it would not weigh much with a people so indifferent to logic, and so devoted to tradition, as the English. The further, and more serious, ground for a belief that the position of the House of Lords is becoming

untenable is contained in the constantly reiterated charge that they have acted since 1832—and that they are likely to continue to act—in the spirit not of a national assembly, but of a narrow and self-regarding caste. From this point of view, it may be of importance briefly to survey and to characterise their action from the date of the first Reform Act onwards.

The key to the policy of the Upper House during the period with which we are concerned is to be sought in their historical position. While the character of the House of Commons has been transformed by successive modifications of the constitution, the Lords have preserved, or, at least, have been more reluctant to modify, the traditions and preconceptions of the old governing class. As the natural champions of the aristocratic power, of which they were the hereditary representatives, they opposed with all their force the Reform Bill of 1832, and only yielded at last on the direct intervention of the crown. In so doing they simply did their duty. They foresaw that the Bill, if it passed, would lead in the end to democracy, and they believed that democracy would be the ruin of the State. Their action at this crisis, whatever may be thought of its political expediency, was, at any rate, appropriate and consonant to the position they held. It is only after the passage of the Bill that the question begins to arise whether they were adapted to their new place in the State. For

the Reform Act involved, as we have seen, the advent of democracy, and therefore of all that democracy implies—that is to say, the abolition of privilege in Church and State, and a consequent breach with ‘established institutions and prescriptive rights.’ But it was precisely privilege that the peers were there to represent. By their birth, by their traditions, by their instincts, by their achievement in the past, by all that was good, as well as by all that was bad, in them, whether as private individuals or as a class, they were attached to the ideas and institutions of the eighteenth century. The Order to which they belonged had kept the peace of England at home, and built up her empire abroad; it had presided over an era dignified and great in literature and art as well as in statesmanship; it had enjoyed and improved magnificent wealth without any relaxation of force, and without ever forgetting, in the possession of undisputed power, the feudal and patriarchal duties which were the complement of privilege. That an Order with such a record of achievement should be destined to pass away, that its knell was already sounding in 1832, was an idea which an aristocracy so capable and so strong could hardly be expected to admit. The Reform Act they felt was dangerous; but they were determined it should not be fatal. To the democratic transformation which the House of Commons permitted rather than achieved, they opposed the impressive mass of a

great tradition. The rights of property, the rights of classes, the rights of an Established Church } were the very foundations of the structure which } their Order had raised and maintained, and to the } defence of these they rallied with the tenacity and } the zeal not merely of self-interest, but of public } faith.<sup>1</sup>

But this action of the Lords, though intelligible enough, came in the course of events to be less and less adapted to the new situation of affairs. The House of Commons was converting itself into a popular assembly, and it followed as a corollary that the peers, if they were to be in harmony with the new conditions, must come to be regarded and to regard themselves, not as a separate estate, but as one of the organs of a democratic polity. But this would involve a reversal of their whole point of view. Instead of conceiving themselves as the representatives of the old governing class, and therefore opposed on principle to the new theory of the State, they would have to accept that theory, with all that it involved, and apply themselves merely to the con-

<sup>1</sup> It is curious to note how naturally it has been assumed by people of all opinions that the House of Lords is and must be the champion of 'prescription.' Thus, for example, in the *Annual Register* of 1868 we find the following sentence, which is the more significant from its matter-of-course unconsciousness:—'It was never supposed that the Upper House of Parliament—the natural guardian of established institutions and prescriptive rights—would at the very first assault surrender the defence of an establishment which, whatever might be its demands or defects, rested its proprietary claims on the basis of ancient and recognised possession.'—*A. R.*, vol. clxviii., p. 106.

sideration of the best means to its realisation. That they did not, and could not, immediately adopt such a course is the less a matter for surprise that even the representative House, as we saw, did little more than drift. But the result has been that, in the retrospect, on certain questions during the past sixty years, the House of Lords has appeared as the champion of the past against the future ; and that, owing to its origin, tradition, and ideal, it has been slow in adapting itself to the duties of the new position into which it has been driven by the logic of events.<sup>1</sup>

As soon, however, as the situation has been seized from this point of view, the wonder appears to be, not that there has been antagonism between the Lords and the Commons, but that the antagonism has not been more emphatic and pronounced. It is, in fact, exactly on the point where opposition was most to be expected that the Upper House has made the least resistance. The democratisation of the House of Commons was the one essential change which has involved, and is involving, every other ; yet against that change the House of Lords since 1832 has scarcely even raised a voice of protest. The Bill of 1867

<sup>1</sup> The case against the House of Lords has been well stated (1) by Mr. Bowen Graves in the *Fortnightly Review*, vol. xiii. (n.s.), 1873 ; (2) in a series of articles from the *Pall Mall Gazette*, re-published in 1881 (Macmillan), and in 1894 (*Review of Reviews* office) under the title *Fifty Years of the House of Lords* ; (3) by Mr. T. A. Spalding in his book, *The House of Lords* (1894).

emerged from the Commons radically transformed ; every check and restriction had been swept away ; household suffrage, pure and simple, was established in the boroughs, with the inevitable corollary of its extension later to the counties. Now, if ever, was the time for the Lords to assert their prerogative. The settlement of 1832, guaranteed as final, was being disturbed ; the breach was being widened for the admission of the democracy whose principle was incompatible with their own ; all their traditions, all their prejudices, their very conception of the State, called upon them to resist the innovation. And what do they do ? They recommend to the Commons the rights of minorities, the use of voting-papers, and the restriction of the copyhold qualification in the counties to the figure originally adopted by the Government. Household suffrage in the boroughs they pass unchanged ; the 10% suffrage in the counties they pass unchanged ; and the only amendment which they actually succeed in introducing into the Act is the one which was intended to protect the minority in four large towns, and which was so far from being opposed to the principle of democracy that, as was clear to the more intelligent Radicals, no true democracy is possible without it.

That an aristocratic House, representing the traditions of a great governing class, should acquiesce in a measure so fatal to their own

ascendancy is one of the paradoxes of history. No doubt, like other paradoxes, it may be easily explained. The measure was introduced by a Conservative government; its implications, if they were certain, were remote; and, above all, the battle that might have been fought in 1867 had been already fought and lost in 1832. All this may be admitted, but still the fact remains that a great extension of democracy was accepted without demur by the aristocratic House, and that, if there is any charge to be brought against the Lords in connection with this Bill, at least it is not by Liberals that it should be preferred.

And precisely the same phenomenon recurs in 1884. Liberals may affect indignation at the conduct of the peers at this crisis; but to the historian nothing can be more reasonable than their attitude. As in 1867 so in 1884 they made no opposition to the extension of the franchise; they merely desired that the scheme of extension should be accompanied by that of redistribution, and refused to approve the one before they had ascertained the character of the other. The position was perfectly sound. It is impossible to judge of the effect of an extension of the franchise until it is known how the new electors are to be grouped, and the Lords were merely taking just precautions against the gerrymandering of the constituencies. But that it was not against the

principle of extension that their opposition was urged is clear from the fact that as soon as their scruples on the question of redistribution were met they passed the Franchise Bill without demur. The democratisation of the Commons was completed at a stroke without a protest against the principle from the aristocratic House.

Only on one point, in fact, have the Lords attempted to oppose the transformation of the Lower House. That point is the ballot. The first Bill sent up to them they rejected; the second they endeavoured to destroy by the insertion of a clause to make secrecy optional. But there were many friends to democracy who were hostile to the ballot, notably the Radical John Stuart Mill. And though it is easy now to look back and say that the Lords were wrong, it does not follow that their motives were sinister. In any case their opposition on this subsidiary point does not affect the broad general truth, that so far as the constitution of the House of Commons is concerned no serious attempt was made by the peers to check the progress of democracy. Doubtless they did not approve the transformation, but neither did they venture to oppose it. If their attitude has not been dignified, neither has it been obstructive; and it is rather from the Tory than the Liberal side that it is open to hostile criticism.

So far then and on this, the most fundamental point of all, we find the Lords abandoning their

own tradition, and frankly accepting the principle of the modern era. But they were far from accepting all that it involved; and with regard to one ~~class of questions especially—questions ecclesiastical—they~~ <sup>to the</sup> clung with such tenacity to the old ideal, that it is about these that the conflict between the two Houses has been most continuous and keen.

The intimate union of Church and State had been from the date of the Revolution an essential condition of the aristocratic system. The government, which was originally established to preserve and perpetuate the Protestant interest, had maintained as long as it could the disabilities of Dissenters as well as of Roman Catholics; and though it had been driven to abandon the chief of these before 1832, yet the supremacy of the Established Church was still maintained. Upon it the State was supposed to rest, and those who were outside its communion, though doubtless they might be good and honest citizens, were yet regarded as alien in principle to a society based upon bishops and tithes. This view, which was strongly represented even in the reformed House of Commons, has dominated the Lords all through the century. Though the principle of the system of exclusion had been definitely abandoned with the emancipation of the Catholics, yet its tradition still possessed the aristocratic House; and there are no questions on which the Lords and the Commons have been

so long and bitterly opposed as those which concern the position of the Established Church.

So far as England is concerned the conflict has centred round two main points—the admission of Dissenters to the universities and the removal of the disabilities of the Jews. The universities had long been identified with the political and religious system of the time. They were regarded as nurseries of the statesmen, the men of learning, and the clergy who were to support and recruit the ranks of the governing class. And so unreservedly had this idea of their functions been received that we find the Chancellor of Cambridge stating in the House of Lords that ‘the universities had been founded by pious persons for the education of members of the Established Church, and, above all, for the education of those who were to be ministers of that Church.’<sup>1</sup> The exclusion of Dissenters was thus a direct corollary of the established theory, and to admit them would be to confess that the theory had ceased to hold. That confession the Commons made as early as 1834, when they passed a Bill admitting Dissenters to the universities and to all degrees except that of divinity. But the Lords, in accordance with the traditions of their order, held to the old view. The fundamental conception on which the aristocracy had based their power had been supported and maintained through the agency of the Established

<sup>1</sup> *Annual Register*, 1834, p. 194.

Church, and more particularly through that of the universities. To secularise these, to set education free, was to open the way to a complete transformation of society. From dissent the road led straight to indifference and atheism. Every institution, every tradition, every convention and habit would be tried by new and constantly shifting tests. The Church would fall; the constitution would collapse; society itself would be dissolved.

These prognostications, it must be admitted, at bottom were sound enough. That the beginning of change does inevitably lead to the end has always been as patent to Tories as it has been obscure to Whigs. The Church, as the aristocracy had conceived it, the constitution as they had understood it, society as they had ordered it, were undoubtedly threatened by the new departure, and as representatives of the eighteenth century they were bound to resist the change. They did resist as long as they could or dared. They rejected the Bill of 1834; and though by the Acts of 1854 and 1856 Dissenters were admitted to the B.A. degree, they were still excluded from the prizes and professorships and from the governing bodies both of the universities and the colleges. In 1867, 1869, and 1870 Bills were sent up to the Lords to remove these remaining disabilities, and on each occasion were either rejected or postponed. It was not till 1871 that the peers were induced to yield, and even then an attempt was made to introduce

a new test in part compensation for that which was being removed.

The same hereditary attachment to the eighteenth century ideal inspired the Lords in their attitude towards the Jews. Alone of all religious sects the Jews still remained excluded from all political privileges, and that exclusion the Lords were determined to maintain. A State which was based upon the Established Church *a fortiori* was based upon Christianity, and peers and bishops united in zeal for the rejection of a Bill whose passage would imply that the legislature was indifferent to the Christian faith. The Jews, it was said, were under God's curse, and should therefore continue under man's; they intended to return to the Holy Land, and must therefore be bad citizens. Respectable they might be as individuals, beloved as brother men, but citizens—no, and no, and a thousand times no!<sup>1</sup> Six times the Bill for removing their disabilities was sent up to the Lords; six times it was rejected; and it was not till 1858 that the conflict was brought to a close by the submission of the Upper House.

In the attitude of the Lords towards this particular question of the Jews there is something a little farcical and unreal,<sup>2</sup> but their general

<sup>1</sup> Hansard, vol. xx., p. 235.

<sup>2</sup> Yet only, perhaps, in the retrospect. For so sane a man as Dr. Arnold writes, in 1836, 'I want to petition against the Jew-Bill. I would thank the parliament for having done away with distinctions

position is intelligible enough. And if intelligible in English affairs, still more so in those of Ireland, for there, even more than in England, the union of Church and State had been the cardinal point of English policy. There the religious question was complicated by that of race, and the cause of the church was also that of a dominant and alien class. From the Revolution onward the whole energies of the government had been aimed at nothing less than the extirpation of the Catholic faith, and though the last entrenchments of that policy had been abandoned in 1829, the government of Ireland continued to depend upon the supremacy of the Protestant sect. That supremacy, therefore, it was only to be expected that the Lords, representing the eighteenth century tradition, should regard as the essential point to be maintained. Hence, primarily, their opposition in 1836 to the Bill for the reform of the Irish corporations. It was to secure and promote the Protestant interest that these bodies had been formed. But now, by the new Bill, it was proposed to throw them open to a 5*l.* franchise, to transfer them thereby, as the opposition maintained, to the control of the Catholics, and to make every town in Ireland a centre of disaffection to English rule. The Lords, while admitting that the old corrupt corporations

between Christian and Christian; I would pray that distinctions be kept up between Christians and non-Christians. Then I think that the Jew has no claim whatever of political right.'—*Life and Correspondence of T. Arnold*, vol. ii., p. 28, ed. 1881.

should be swept away, refused to sanction so revolutionary a scheme, and though they conceded at last the principle of popular election, yet by fixing the franchise at 10*l*. they excluded the bulk of the Catholic population.

The controversy about municipal reform extended from 1835 to 1840, and was closely connected with the question of the revenues of the Irish Church. The government, in connection with their Bill for rearranging the system of tithe, had decided to appropriate an expected surplus to secular purposes. The proposition was regarded by the Tories as an attack on the Protestant Church. It was rejected again and again by the House of Lords, until at last, in 1838, the government were compelled to yield, and to omit from their Bill the objectionable clause.

The respite, however, was only temporary. In 1868 Mr. Gladstone brought in a Bill implying the disestablishment of the Irish Church, and once more the Lords rallied to its support. On this occasion they were supported not only by the general tradition of English policy, but by the terms of the Act of Union.<sup>1</sup> Whig and Tory statesmen alike had recognised in the Established

<sup>1</sup> The article is as follows :—‘ That the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called “The United Church of England and Ireland” ; and that the doctrine, worship, discipline, and government of the said united Church shall be, and shall remain in full force for ever, as the same are now by law established for the Church of

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Church an essential guarantee of the English supremacy, and its abandonment was, in fact, a revolution in Irish policy. The matter for surprise is, therefore, not that the Bill was opposed by the Lords, but that their opposition was so weak. They rejected by a large majority the Suspensory Bill of 1868, but the very next year they consented to the disestablishment and disendowment of the Church the alienation of a part of whose revenues they had successfully resisted thirty years before.

So far, what we have found in the action of the Lords is not the interest of a caste asserting itself in indifference to, and to the detriment of the national good, but rather a conception of the national good itself, at variance with that which the Commons were adopting, and which is coming to be accepted as that of the modern State. The Lords, in fact, have lagged behind instead of anticipating the course of events; they have performed what in the opinion of many is the function of a second chamber—to put a brake upon the wheel of progress; and for so doing they are open, no doubt, to criticism, but not to abuse.

But there is another class of questions—those connected with property, with regard to which they might be expected to have incurred a more serious

England, and that the continuance and preservation of the said united Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union.'

charge. For it cannot be forgotten that the House of Lords is essentially a house of landlords, and that their private and personal interest, no less than their inherited conception of the State, would make them the natural champions of property. And there have been occasions when they have frankly adopted this principle. Thus, for example, in 1835, on the occasion of the Bill for municipal reform, when the Commons swept away without compensation the privileges of certain persons, who were, or under the old system would have become, freemen of the corporations, the Lords rallied to the defence of vested rights, and the Earl of Haddington in a characteristic speech 'expressed his astonishment at hearing such loose notions regarding property from a first minister of the crown. It should be enough (he said) for the House that what was now in question was property. . . . No untried theories should induce the House to consent to what was neither more nor less than plunder and spoliation.'<sup>1</sup>

From these and from similar utterances, a presumption might naturally be formed that in cases where property, and especially landed property, is involved, the tendency of the House of Lords must be to sacrifice the interest of the nation to that of their own class; and it is commonly assumed by Radicals that this, in fact, is what has constantly occurred. There is however one event, not often

<sup>1</sup> *Annual Register*, 1835, p. 276.

referred to in discussions about the Upper House, which of itself refutes any such general assumption ; that event is the repeal of the Corn Laws. This measure, introduced by a Conservative minister and carried in the Commons by the votes of landed proprietors, was passed on the second reading in the Lords by a majority of nearly 100. Here is a remarkable fact which no 'explanation' can explain away. The Bill, it may be said, was introduced by a Conservative minister. Undoubtedly ; but why did not the peers desert him, as he was deserted by a portion of his adherents in the Commons ? Were they afraid of the Anti-corn-law League ? The League, no doubt, was strong ; but no one who has read the memoirs of Sir Robert Peel will imagine that the agitation it had raised was really the determining factor in the decision either of the minister or of his followers in the Lords.<sup>1</sup> The fact is that Peel had become convinced of the justice and the utility of the measure, and that the majority of the peers, yielding to his judgment, were willing to incur what might prove to be a serious pecuniary loss for the sake of what they conceived to be the interest of the nation. Reference may be made, in particular, to the characteristic attitude of the Duke of Wellington. In a memorandum addressed to Peel on November 30, 1845, after

<sup>1</sup> See the letter of Peel to the electors of Tamworth (*Memoirs*, vol. ii., p. 102), and also the letter of Lord Mahon (*Ibid.* p. 280), and the memorandum of the Duke of Wellington, quoted in the text below.

declaring himself frankly to be 'one of those who think the continuance of the Corn Laws essential to the agriculture of the country in its existing state and particularly to that of Ireland,' he goes on to say :

'In respect to my own course, my only object in public life is to support Sir Robert Peel's administration of the government for the Queen.

'A good government for the country is more important than Corn Laws or any other consideration ; and as long as Sir Robert Peel possesses the confidence of the Queen and of the public, and he has strength to perform his duties, his administration of the Government must be supported.

'My own judgment would lead me to maintain the Corn Laws. Sir Robert Peel may think that his position in parliament and in the public view requires that the course should be taken which he recommends ; and if that should be the case, I earnestly recommend that the Cabinet shall support him, and I for one declare that I will do so.'<sup>1</sup>

Whatever may be thought of the wisdom or the consistency of the position thus set forth, no one can question its absolute disinterestedness. The Duke believed that the repeal of the Corn Laws would be disastrous to the agriculture of the country, and therefore to the property of the class to which he belonged ; but he waives that con-

<sup>1</sup> *Memoirs*, vol. ii., p. 198. The Duke of Buccleugh took a similar position. *Ibid.* p. 254.

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sideration in deference to what he conceives to be the larger interest of the nation. This is a phenomenon that cannot be ignored by those who persistently maintain that the action of the House of Lords has been dominated exclusively by class motives. The repeal of the Corn Laws is probably the most important measure of the century; it is that which has most profoundly affected the position of the landed aristocracy; and it was passed by an Upper House, composed of landlords, on its first introduction by a large majority. Those who wish to realise the significance of this fact may try to imagine the probable action of a second chamber composed of cotton-manufacturers on a proposition to impose a duty on the import of cotton into India.

But there is another question, of the first importance, in connection with which it is maintained that the House of Lords has acted in the spirit of a narrow and self-regarding class. That is the question of the tenure of land in Ireland. A series of measures passed by the Commons in the interest of the tenant have been rejected or amended by the Lords in the interest of the landlord; and it is on this fact that the charge in question is based. The fact, no doubt, broadly speaking, is correct. But, on the other hand, it might be replied that, in spite of the action they have taken, this House of landlords, as the net result of the whole course of the legislation, have

submitted to an interference with the 'rights of property' in the case of Irish land which would hardly be tolerated in the case of any other property by any but the extremest section of the Radical party. Whether in particular cases they have been well-advised in the action they have taken could only be decided by such a minute investigation of all the Bills sent up to them, in connection with the whole condition of Ireland, economic and political, as would be more than sufficient to occupy the lifetime of a specialist. Meantime, it can only be said that the Liberal indictment, however plausible *prima facie* it may appear, still awaits the verdict of history.

On the whole, then, a survey of the action of the Lords, from 1832 onwards, does not appear to have borne out the popular impression that they have been dominated by the narrow spirit of a caste. What it does show is that they have lagged behind the Commons in their willingness to substitute for the national ideal of the eighteenth century that which is probably destined to govern the twentieth. This attitude I conceive to be almost an inevitable corollary of their constitution, and therefore to be one which is likely to characterise them not less in the future than it has done in the past. From this admission Liberals would conclude to the summary abolition of their powers; but I do not think that the conclusion follows. For the extent to which we are prepared to support

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the House of Lords, either as it is at present constituted or as it may be reformed, must depend upon our estimate of the House of Commons ; and the question before us is not merely whether we altogether admire the constitution and action of the Upper House, but whether the dissatisfaction we feel is so grave, and our confidence in the representative House so complete, that we shall be willing to entrust the latter with the monopoly of government.

In order to answer this question we must endeavour to form some idea of the kind of problems that are likely in the future to come before the House of Commons, and the kind of spirit in which it is likely to deal with them. We will turn, therefore, to examine the course of opinion among the working class who form the majority of the nation, and whose ideas, it may be supposed, will influence the policy of the future. We shall then be in a better position to consider, from a national point of view, some at least of the bearings of the issue between the two Houses.

## CHAPTER IV

*THE INTERPRETATION OF DEMOCRACY BY THE  
WORKING CLASS*

IN examining the development of which the Act of 1832 was the first phase, we came to the conclusion that it was never the deliberate intention of the governing class, either before or after the first Reform Bill, to accomplish the transition to democracy that has actually taken place. They continued to lower the franchise because, having once begun, there was no particular reason why they should stop; and they seem hardly yet to be aware that in pursuing this apparently continuous course they have been leading society to the verge of a critical transformation. But when we turn from the debates in parliament and the rhetoric of the National Liberal Federation, to examine the course of opinion among the masses who have been gradually admitted to power, we find that, on the one hand, so far as they have come to political consciousness at all, they have adopted from the beginning the democratic programme; on the other, that their object, in desiring political power, has been pri-

mainly to better their economic state, and more particularly, not only in the last ten years but also in the earlier decades of the century, has been conceived, with more or less distinctness, as a fundamental modification of the existing tenure of property.

Such an attitude was the natural and intelligible result of the position to which the working class were reduced by the new methods of industry. This is a story which has been written again and again, and need not be recapitulated here. It will be sufficient to observe that the more the dependence of the labourer on the capitalist increased, the more persistently the theory began to emerge and define itself, that his only hope of deliverance was in acquiring the control of the means of production. And though it is only in the last decade that this theory has taken the field as a vigorous and consistent collectivist propaganda, yet it was active, obscurely and confusedly, in the earlier revolutionary movements of the century, and gave a social significance to what appears on the surface to be a purely political agitation.

From the very beginning, in fact, the movement for parliamentary reform presented a phase, though no doubt a subordinate one, which in a certain vague sense may be called socialistic—that is to say, which proposed to benefit the poor at the expense of the rich. The second part of Paine's 'Rights of Man' is an elaborate scheme for supporting and educating at the public expense the

poorest part of the population; and for raising funds by a progressive tax upon the land, with the intention of compelling the division and sale of large estates. With a less definite programme, but inspired by a similar idea, John Thelwall attacks the oppression of the poor by the rich, and assigns as its cause the monopoly of the government by the opulent and the strong; and though opposed to the notion of 'equality of property,' clearly regards the question of parliamentary reform from a social rather than a political point of view, and in particular sees in it a means for putting an end to monopolies and combinations of capitalists.<sup>1</sup> The work of Godwin was of a more academic and abstract kind; but it may be noticed in this connection that in his 'Political Justice' (1793), which produced a great impression on its first appearance, he attributes to the established system of property evils in comparison with which those produced by kings and priests may be described as 'imbecile and impotent,' and lays down the communistic maxim that anything 'justly belongs' to him who most wants it, or to whom the possession of it will be most beneficial.<sup>2</sup>

<sup>1</sup> See his *Natural and Constitutional Rights of Britons*, 1795, pp. 42-8. At a meeting of the 'Friends of Parliamentary Reform,' October 26, 1795, he proposed the following motion: 'Monopoly, stimulated by insatiable avarice, and uncontrolled by those equitable laws which we might expect from equal representation, frustrates the beneficence of our seasons, and forbids the industrious poor the immediate necessities of life.' *Ib.* p. 19.

<sup>2</sup> Godwin's *Political Justice*, ed. 1791, pp. 789, 791, seq.

Reference has been made to these thinkers rather as an indication of the early drift of ideas of reform towards socialistic ends than on account of any direct and important influence which they may be supposed to have exercised on working class opinion. But there were other writers more obscure than these in the history of thought whose propaganda was more immediately effective. Among these may be noticed in particular Thomas Spence,<sup>1</sup> who published (as early as 1775) a little tract called the 'Rights of Man' in which he traces all the evils of society to the institution of private property in land. 'He proposed to divide the nation into parishes, to which the land should be inalienably attached; the rents to be paid quarterly to the parish officers; and after subtracting the necessary expenses of the country and the State, the remainder to be equally divided among the parishioners.'<sup>2</sup> The present landlords were to be compensated not by anything so vulgar as money but by 'the full possession of the rights of citizenship in the fostering bosom of the most humane and just commonwealth that ever existed.'<sup>3</sup> And so attractive it was conceived would this millennial prospect appear that no serious difficulty was anticipated in making the transition

<sup>1</sup> For an account of Thomas Spence and his works and their influence, see *Add. MS.* 27,808.

<sup>2</sup> *Loc. cit.* f. 808.

<sup>3</sup> Spence, *The Restorer of Society to its Natural State*, p. 27, ed. 1801.

desired. 'The public mind being suitably prepared by reading my little tract, and conversing on the subject, a few contiguous parishes have only to declare the land to be theirs, and form a convention of parochial delegates. Other adjacent parishes would immediately on being invited follow their example and send also their delegates, and thus would a beautiful and powerful new republic instantaneously arise in full vigour.'<sup>1</sup>

The writings of Spence, though they had no direct connection with the movement of parliamentary reform—for indeed it was rather the abolition than the reform of parliament to which he looked forward—yet appear to have had considerable influence on the Radical leaders of the working class. The years from 1815 to 1820 were marked by a series of incipient and abortive revolutionary plots; numerous clubs were formed ostensibly to advocate parliamentary reform, but really to arraign the whole social system; and among these the principles of Spence appear to have been generally adopted. 'Some of these societies,' says a report of a secret committee of the Lords (1817), 'have adopted the name of Spencean philanthropists; and it was by members of a club of this description that the plans of the conspirators in London were discovered and prepared for execution: the principles of these last associations seem to be spreading rapidly among

<sup>1</sup> Spence, *The Restorer of Society to its Natural State*, p. 17.

the other societies which have been formed, and are daily forming, under this and other denominations in the country. Among the persons adopting these principles, it is common to disclaim parliamentary reform as unworthy of their attention. Their objects are . . . . a parochial partnership in land, on the principle that the landholders are not  
 \ proprietors in chief; that they are but the stewards  
 \ of the public; that the land is the people's farm;  
 \ that landed monopoly is contrary to the spirit of Christianity and destructive to the independence and morality of mankind. . . . . At the ordinary meetings of these societies, which are often continued to a late hour, their time is principally employed in listening to speeches tending to the  
 \ destruction of social order, recommending a general equalisation of property, and at the same time endeavouring to corrupt the minds of the hearers, and to destroy all reverence for religion. The landholder has been represented as a monster which must be hunted down, and the freeholder as a still greater evil; and both have been described as rapacious creatures, who take from the people fifteen pence out of every quartern loaf. They have been told that parliamentary reform is no more than a half measure, changing only one set of thieves for another; and that they must go to the land, as nothing short of that would avail them.<sup>1</sup>

<sup>1</sup> 'Report of the Select Committee of the Lords,' 1817. *Journals of the House of Lords*, vol. li., p. 41.

The report is evidently written in alarm, and probably exaggerates the influence and extent of these associations ;<sup>1</sup> but it shows clearly that to the working class the question of political reform had been from the beginning a question of property. It was misery that made them politicians. They were convinced that all their suffering was due to unjust laws, and that, therefore, the only remedy was the appropriation of political power by the sufferers. Society, as it was constituted, was an organised conspiracy to rob the working class ; it was the order of society itself that needed to be reversed, and the means to that reversal was parliamentary reform. 'In 1831,' says Place, 'the impression generally prevailed among the working class that the aristocracy, under which term they included all who were rich and not engaged in some profession, in trade or commerce, were the cause of their low wages and of all their real and imagined grievances ;' and the rejection of the Reform Bill by the Lords was regarded as conclusive evidence that they, 'the unproductive class, were resolved, cost what it would, to continue their oppression and robbery of the working classes.'<sup>2</sup>

<sup>1</sup> See *Add. MS.* 27809, f. 93, seq.

<sup>2</sup> The following resolution passed by one of the working class 'unions' is characteristic :—'That the robberies committed by the idle and useless on the useful and productive people of England are the main cause of the increase of crime. That nothing can remove the cause but universal suffrage, the ballot, and short parliaments, and that there can be no security for property until these shall be obtained.'—*Add. MS.* 27791, f. 19.

It followed that the real antagonism of the labourers was as much to the middle class as to the aristocracy, and that a measure which merely extended the franchise to 10% householders was not calculated in the least to satisfy their demands. They would be as completely excluded from power as before, while the middle class, having secured their own position, would naturally ally themselves with the aristocracy against the enemies of property. We find, accordingly, that the Bill of 1832 was generally condemned by the extremer section of the working class,<sup>1</sup> and that it was with difficulty that the more moderate of them were induced to join in the popular agitation that carried it through.<sup>2</sup>

This attitude of hostility, so far from being appeased, was exasperated by the immediate effect of the new settlement. Even the middle class reformers were disappointed, and the worst expectations of the working class were confirmed. The distress so far from diminishing continued to

<sup>1</sup> For this attitude consult the *Poor Man's Guardian*, the organ of the extremer section of the working class in 1831 and 1832. 'The Bill,' we are told, 'will only increase the influence of landholders, merchants, manufacturers, and tradesmen.' 'I therefore conjure you to prepare your coffins if you have the means. You will be starved to death by thousands if this Bill pass, and thrown on to the dunghill, or to the ground, naked like dogs.' The 'National Union of the Working Classes' declares that both Reform Bills were 'mere expedients and mere gulls to deceive the people, and no ways calculated to better the condition of the working people.'—*Add. MS.* 27791, f. 332.

<sup>2</sup> See Place's account of the formation of the 'National Political Union.'—*Add. MS.* 27791.

increase, and it was plain, as it might have been plain from the first, that no panacea was to be expected from the new parliament.<sup>1</sup> At the same time the opinion continued to prevail that misgovernment, and misgovernment alone, was the cause of the evil.<sup>2</sup> The currency, the national debt, the pensions, the civil list, the standing army, the taxes, were still the familiar objects of attack;<sup>3</sup> and to crown all came the grievance of the new poor law.<sup>4</sup> All these abuses, it was clear, might be

<sup>1</sup> 'The Reform Bill was not calculated materially to improve the general composition of the legislature. . . . Any good which is contrary to the selfish interest of the dominant class is still only to be effected by a long and arduous struggle.'—Mill, *Disertations and Discussions*, vol. i., p. 449, ed. 1859. Hume said in Parliament that the Bill 'did not lead to all that he and others who were anxious on the subject had been sanguine enough to expect, apt as they were, perhaps hastily, to imagine that society would be immediately moulded by their own opinions.'—Hansard, vol. cv., p. 1156. In an address issued by the 'Birmingham Political Union' in 1837, the following passage occurs:—'The motive and end of all legislation is the happiness of the universal people. Let us try the Reform Bill by that test. . . . What do we find? Merchants bankrupt, workmen unemployed and starving, workhouses crowded, factories deserted, distress and dissatisfaction everywhere prevalent. . . . Were the people fully and fairly represented in Parliament, would such things be?'

<sup>2</sup> 'They sincerely believed that nearly all the evils of which they complained were caused by bad government.'—Place, writing in 1833. *Add. MS.* 27797, f. 252.

<sup>3</sup> See, e.g., *Add. MS.* 27797, f. 12. In 1838 the 'National Political Union' 'solemnly protests against the further existence and recognition of the national debt, and against its payment, principal or interest, by means of taxes levied on the productive and labouring classes.'—*Ibid.* 27796, f. 266.

<sup>4</sup> 'What has made Englishmen turn assassins? The new poor law. Their resources have been dried up by indirect taxes for the debt, and the poor law throws them on a phantom which it calls their resources: robbery follows, and a robber soon becomes a murderer.' So writes Charles James Napier, who was in command of the northern

reformed or abolished by acts of the legislature, and to secure the control of the legislature was therefore the immediate object to be attained.

For this purpose a new and formidable agitation was set on foot. In 1836 was established the 'London Working Men's Association'; in 1837 the 'Birmingham Political Union' was revived; and about these focussed the Chartist movement. The 'Charter' was first adopted in the summer of 1837 by a committee of six members of parliament and six members of the 'London Working Men's Association.' It embodied the familiar 'six points'—universal suffrage, the ballot, annual parliaments, payment of members, abolition of the property qualification, and equal electoral districts—and upon these it united the hitherto sporadic and disorganised forces of reform.<sup>1</sup>

Meantime, side by side with the agitation for a further reform of Parliament grew up and developed the remarkable movement directed by Robert Owen. This movement was definitely socialistic, and the economic theory on which it was based, that labour is the only factor in the production of wealth, and that to labour, therefore,

district in 1839 for the purpose of suppressing Chartist riots. See his *Life*, vol. ii., p. 9.

<sup>1</sup> Before the publication of the Charter the reformers were split into numerous sections. Some were 'anti-poor-law,' others 'anti-factory system.' Some were advocating a 'Short Time Bill,' others a tax on machinery. Some were for household suffrage, some for the repeal of the ratepaying clauses of the Reform Bill—and so on.—*Add. MS.* 27820, f. 101.

in justice, all wealth belongs, had begun to be popularised among the working class early in the century. It is the basis of a little book published in 1805 by Charles Hall, and entitled 'The Effects of Civilisation on the People in European States.' After laying it down that liberty and property are incompatible, and that all that is owned by the rich was produced by the hands of the poor, the author postulates as conditions of a satisfactory economic state—first, that each man should labour so much only as is necessary for the support of his family; secondly, that he should enjoy the whole fruits of his labour.<sup>1</sup> This work, however, interesting as it is from an historical point of view, does not appear to have had any traceable effect upon the political agitation of the period. The reforms which it advocates are either inefficient or impracticable,<sup>2</sup> and its appeal is addressed to the governing class, not to the populace. More important from our present standpoint are the writings of Thomas Hodgskin, which, as we are informed by Place,<sup>3</sup> were 'very widely circulated' among the working class, from 1825 onwards, and which served to popularise the idea in

<sup>1</sup> *Op. cit.* p. 207.

<sup>2</sup> 'The principal are—(1) abolition of the law of primogeniture, (2) prohibition by law of all manufactures except those of absolute necessities, or the subjecting them to such heavy taxes as would much lessen the production of them.'—*Ibid.* pp. 173, 174.

<sup>3</sup> *Add. MS.* 27791, f. 263. The works referred to are:—'Labour defended against the Claims of Capital,' 1825; 'Popular Political Economy,' 1827; 'The Natural and Artificial Rights of Property contrasted,' 1832.

✓ question, that labour is the sole creator and the sole legitimate owner of wealth ; while about the same time the theory was thrown into a more elaborate and systematic form by the friend and disciple of Owen, William Thompson.<sup>1</sup>

But it was Owen himself who gathered to a head and discharged in a torrent of enthusiasm the various streams of socialistic aspiration. It was he who first differentiated clearly political and economic facts, and insisted upon the latter as the true cause of the miseries of the working class. While Cobbett was declaiming against the debt, the taxes, and the expense of the administrative establishment, Owen was pointing out the inevitable effects of the industrial revolution. The distress which the Radical politicians attributed to unjust laws was traced by him to the control of the means of production by competing capitalists, and the remedy he proposed was to transfer this control to co-operative associations of labourers, who should divide among themselves the whole produce of their labour. The accomplishment of this reform, he imagined, would be a matter not of years, but of weeks and days ; and he derived from this belief a prophetic fervour which swept the

<sup>1</sup> *An Inquiry into the Principles of Wealth most Conducive to Human Happiness, applied to the Newly Proposed System of Voluntary Equality of Wealth*, by William Thompson, 1824. 'Wealth is produced by labour ; no other ingredient but labour makes any object of desire an object of wealth' (p. 4). This position is afterwards modified, but very confusedly.

country like a fire. 'We proclaim to you,' he cries, to the governments of Europe and America, 'that a new era has commenced . . . and this era we do not hesitate to pronounce the commencement of that period which, under the term millennium, the human race has been so long taught to expect.'<sup>1</sup> And again: 'The Rubicon between the old immoral and the new moral worlds is finally passed, and truth, knowledge, union, industry, and moral good now take the field, and openly advance against the united powers of falsehood, ignorance, division, and moral evil. . . . The time is arrived when the foretold millennium is about to commence, when the slave and the prisoner, the bondman and the bondwoman, and the child and the servant, shall be set free for ever, and oppression of body and mind shall be known no more.'<sup>2</sup>

The machinery of this millennium, as has been already observed, was to be the substitution of co-operative and public for individual and private ownership of capital. Owen and his followers are thus thoroughgoing socialists; but on the other hand, they have no direct connection with the movement for parliamentary reform. On the contrary, they are avowedly opposed to it. Owen himself, as a successful director of a cotton fac-

<sup>1</sup> *The Crisis*, vol. ii., p. 146, May 18, 1833. 'Manifesto of the Productive Classes of Great Britain and Ireland to the Governments and Peoples of the Continents of Europe and of North and South America.'

<sup>2</sup> *The New Moral World*, no. 1, November 1, 1834.

tory, had learnt from experience the value of trained skill in the conduct of affairs. He did not believe that the people were fit to direct, or even to appoint the directors of the State. They needed, he thought, a preliminary training, and this he proposed that they should receive by taking a share each man in the conduct of his own trade. 'Experience of government is better acquired by commencing with the management of a single business in which we are skilled by practical experience, than in launching into an ocean of business, without a chart to guide or a gale of wind to lend us an impulse.'<sup>1</sup> The idea was to be put into effect by the co-ordination of the various trades into a single representative system coextensive with the nation. In every town each trade would have its own internal government; the towns would be grouped into districts under elected district councils, and delegates from the districts would form the annual parliament of the trades. On the face of it, the system proposed has nothing to do with the Government; it is merely a private organisation within the state. But it is clear that if ever an organisation were established which should really control the whole industry of the country, such an organisation would be, in fact, if not in name, the Government. And this was Owen's idea. His co-operative

<sup>1</sup> *The Pioneer*, p. 377. This paper was started and inspired by Owen in the years 1833-34.

trades union was intended to secure, by the mere force of events, first industrial, and then, by virtue of that, political supremacy; and the existing machinery of government was to be supplanted not by a direct attack, but by a gentle though irresistible process of substitution. As the new organ developed, the old one would become rudimentary and drop away. 'An empire within an empire is now growing,' cries Owen in his wonted fervour of enthusiasm, 'and the old legislature will, no doubt, soon retire from business. . . . At present, the Parliament are useful as a check, and an executive power; but every year will increase their worthlessness, till they dissolve at last in everlasting disorganisation, giving way to a parliament of industry, which shall consult the welfare of the mass in preference to the advantage of the few.'<sup>1</sup>

The distinction, then, is clear enough between the position of Owen and that of the advocates of parliamentary reform. The one aimed directly at economic organisation, and secondarily only at political power; the others directly at political power, and secondarily at economic organisation. But, as has been already pointed out, the movement for parliamentary reform, though it was not supported by Owen and the Socialists, was always, so

<sup>1</sup> *The Crisis*, vol. iii., p. 214, February, 1884. Cf. *The Pioneer*, *loc. cit.* According to the theory there set forth the place of the House of Commons will be taken by the 'House of Trades,' while the Upper House will still be left to the aristocracy, whose experience, learning, and taste, it is conceded, are essential to the State.

far as it touched the working class at all, directed, however vaguely, to economic ends. Artisans demanded a vote, primarily, because they were in distress, and what they expected from the use of the vote was, primarily, a remedy for distress. Thus, though the Socialists, as a body, were indifferent for the moment to parliamentary reform, the Chartist Reformers were not indifferent to Socialism. On the contrary, it was only as a means to an economic transformation that they were aiming at the control of Parliament; and, accordingly, we find the 'Poor Man's Guardian,' the principal organ of the Radical artisans, while censuring on the one hand the followers of Owen for their abstention from politics, advocating, on the other, universal suffrage not merely as an abstract right, but as the only means by which trades unions or socialists could attain their ends. Political supremacy, it declares, is the key to the whole position; that once secured, it would be open to the labouring class to reconstruct the whole fabric of society. 'They might abolish or remodel every institution in Church and State; they might change the whole system of commerce; they might substitute the labour note for the present vicious currency, and thus render usury impossible; they might agree to work in common, and to enjoy in common; or they might arrange to exchange their produce on equitable terms, through salaried agents, without the inter-

vention of base middlemen who are the bane of society. By these and the like means they might silently, but effectually, regenerate the world.'<sup>1</sup>

While, however, the Chartists were agreed as to their general aim—somehow or other to put an end to poverty—they did not appear to accept, as a body, the Owenite conception of the economic causes or possible remedies of their distress. Politically, they succeeded in formulating a definite programme, and making it the centre of vigorous agitation; but, economically, their ideas grew more and more conflicting and obscure. Chartism, as a political movement, was precise enough, with its six uncompromising points; but, though it was inspired and supported by the misery of the poor, and though it was in order to ease that misery that it aimed at the control of parliament, yet it is impossible to detect beneath its flow of muddy rhetoric, anything but the blurred outlines of inconsistent and inadequate economic ideas. In the earlier stages of the agitation, it is the new Poor Law that is denounced. 'The law,' it is said, 'is an invention of the capitalist to secure labour at the minimum price, by making it intolerable for the labourer to face the horrors of the union bastilles;' <sup>2</sup> its object is 'to divest poverty

<sup>1</sup> *Poor Man's Guardian*, March 1, 1834.

<sup>2</sup> *Northern Star*, February 24 and March 3, 1838. Cf. Bronterre's (O'Brien's) *National Reformer*, 1837, p. 26—where it is stated that the object of the new Poor Law is 'to bring down the whole of the labouring population, agricultural and manufacturing, to the lowest rate of remuneration at which existence can be maintained.'

of hope, and to eliminate the surplus population ;' it is the 'starvation law,' a law which is no law; and the commission appointed to carry it out is the 'three-headed devil-king.' Presently, however, as the movement proceeds, this agitation against the Poor Law takes a secondary place, and the prominent economic idea, from the year 1843 on, is O'Connor's scheme for settling the Chartists on the land. Meantime, there was from the beginning a Birmingham party, under the leadership of Thomas Attwood, which attributed all the economic distress to the resumption of cash payments by the bank, and advocated as the sole and efficient cure an extension of paper currency. Lastly, in the heat of the conflict, and primarily, as a means of coercing the government, an alliance is formed between Chartism and trades-unionism. The proposition of a 'sacred month,' that is to say, a month's cessation from work, was laid before innumerable meetings, during the June of 1839, and in July the convention of Chartist delegates actually fixed the date of its commencement. This resolution, it is true, they afterwards withdrew, having realised that it would not be possible to enforce it; but the abortive strike attempted in the month of August, 1842, was approved, though it was not originated, by the conference of Chartists then sitting, and the majority of the delegates of the trades on strike declared in favour of the Charter, and of converting

their battle for wages into a battle for political supremacy.<sup>1</sup>

From this brief statement it will be sufficiently clear that while there was no precise and definite economic idea underlying the Chartist propaganda ; yet on the other hand the movement, though primarily and ostensibly political, was, at bottom, unlike the agitation that carried the Reform Bill of 1832, a revolt of the poor against the rich, prompted by economic distress, and directed, however imperfectly, to economic ends. Vaguely but effectively felt as the basis of Chartism was the notion that somehow or other, by the control of the political machinery, an alteration favourable to the working class might be produced in the distribution of property. This idea, as we have seen, was the inspiration from the first of the working class movement for reform ; and though, generally speaking, its expression, whether in words or in action, was incoherent and confused, yet it shapes itself every now and again into an abrupt and startling precision. The 'Poor Man's Guardian,' for example, contains, as early as 1834,

<sup>1</sup> 'While the Chartist body did not originate the present cessation from labour, this conference of delegates from various parts of England express their deep sympathy with their constituents, the working men now on strike ; and we strongly approve the extension and continuance of their present struggle till the People's Charter becomes a legislative enactment, and decide forthwith to issue an address to that effect ; and pledge ourselves on our return to our respective localities, to give a proper direction to the people's efforts.'—*Northern Star*, August 20, 1842.

an account of the effects of the modern methods of industry upon the labourer, which anticipates the later exposition of Marx :—‘As long as the labourer’s existence depends upon the capital of others, and that there are more labourers in the country than the capitalists want to use, so long must he continue a pauper slave. “Redundancy of labour” will cause the labourers to compete for employment. This competition must necessarily drive down wages ; for should one labourer refuse the master’s terms another will take them in preference to starving. And so the game will go on till wages find what the economists call “their natural level”—that is to say, the level of starvation. This has ever been the “order of the world,” and will continue to be so as long as the cannibal system endures. . . . There is but one remedy. It is to upset the whole system. There is no reforming it by parts.’<sup>1</sup>

The analysis of the effects on the labourer of the working of private capital does not appear to have led the ‘Poor Man’s Guardian,’ as it afterwards led Marx, to the formula of nationalisation of all the means of production. It led, however, to a definition of property as ‘the right of A to seize upon the produce of B’s labour in the name of the law, that law being exclusively of A’s own making’ ; and to an appeal to the working

<sup>1</sup> *Poor Man’s Guardian*, February 22, 1834.

class in the name of 'their most sacred duty' to combine against the institution so defined.<sup>1</sup>

An exposition equally clear is to be found in the writings of Bronterre O'Brien, who was one of the most prominent of the Chartist leaders. By him, too, universal suffrage is definitely and precisely conceived as merely a means to the redistribution of wealth. 'Knives will tell you,' he says, 'that it is because you have no property you are unrepresented. I tell you, on the contrary, it is because you are unrepresented that you have no property.'<sup>2</sup> By him, too, the misery of the working class is attributed to the private ownership of the means of production. 'Land,' he says, 'being the free gift of the Creator to all his creatures, and not the produce of human labour, like money, food, or any other perishable commodity, it can never be a legitimate subject of property. . . . If there had never been individual property in land we should have escaped ninety-nine hundredths of all the woes and crimes that have hitherto made a pandemonium of the world.'<sup>3</sup> And though, so far, his argument leads him only to the nationalisation of land, he looks forward, he tells us, to the time when those who at present form the class of capitalists will be converted into paid officials in the service of the productive labourers.<sup>4</sup>

<sup>1</sup> *Poor Man's Guardian*, December 21, 1833.

<sup>2</sup> Bronterre's *National Reformer*, 1837, p. 11.

<sup>3</sup> *The Operative*, vol. i., no. 4, p. 1, 1838.      <sup>4</sup> *Ibid.*

It appears, then, as the total result of this examination, that the political agitation of the working class was inspired from the first by the keen sense of distress, and directed with more or less deliberation against the existing organisation of property; that between the years 1830 and 1840 they were strongly stirred by the socialistic propaganda of Owen; and that, though the immediate disciples of that movement dissociated themselves from the agitation for parliamentary reform, yet underlying and permeating the Chartist movement was a dissatisfaction with the whole social structure, and a determination, somehow or other, by means of the parliamentary machinery, to shape it again into a more tolerable form.

But the Owenite and Chartist agitation passed away without achieving any tangible result, and to the succeeding generation the whole movement might well have appeared to be an exceptional and transient phenomenon due to specially acute distress. For the next thirty or forty years the energies of the working class, so far as they came to the surface in social and political agitation, were confined to the organisation and the establishment of the legal status of trade unions; and the leaders in this work, so far from being inspired by a socialistic conception of the State, frankly accept the fact of the private ownership of capital, and look for the remedy of their troubles to a limitation

of the numbers competing in the labour market.<sup>1</sup> Even the ideal of a supremacy of labour influence in the legislature disappears. 'As a class,' says the manifesto of the Labour Representation League in 1874, 'you desire no predominance in the councils of the nation, but as honest men and self-respecting citizens you do desire to put an end to that most unjust class exclusion from which the great labour class of the country alone suffer.'<sup>2</sup> The points pressed upon candidates by the newly enfranchised artisans in the election of 1874 have reference to the reform of the law relating to trade unions, and to the better protection of the life and health of factory hands; they include nothing which touches even remotely the fundamental organisation of industry.<sup>3</sup> So far, indeed, had the opinion of the leaders of the working class diverged from socialist lines that we find it stated in the 'Beehive,' at this time their best accredited organ, that 'not the wealthiest and most nervously timid millionaire in the country is more opposed to breaking down the sacred principles which uphold the rights of private property than the great majority of the busy workers in our hive.'<sup>4</sup> It is true that during the whole of this period the more thoughtful among the working class are constantly occupied

<sup>1</sup> See Webb's *History of Trade Unionism*, p. 183.

<sup>2</sup> See the *Beehive*, January 31, 1874. The 'Labour Representation League' was formed in 1869, for the purpose denoted by its name. See *Ibid.* November 6, 1869.

<sup>3</sup> *Ibid.* January 8, 1874.

<sup>4</sup> *Ibid.* December 10, 1870.

with the question of the tenure of land, and that at least an influential section of them favoured the solution of land nationalisation,<sup>1</sup> but on the whole their attitude must be described as predominantly individualistic. This tendency was doubtless assisted by the Malthusian propaganda of the 'National Reformer' (founded in 1860), which taught that the root of social evil was to be sought not in the method of the distribution of wealth, but in the multitude of the persons among whom it had to be divided, and diverted attention from the question of profits and rent to that of overpopulation. We find, accordingly, that the policy of the trade unions is constantly directed towards relieving the pressure of numbers in the labour market,<sup>2</sup> and that it is to this, not to any collective control over the instruments of production, that they look for the gradual improvement of their condition.

Concurrent with this change of economic ideas is a change of political tone. Aristocratic govern-

<sup>1</sup> See e.g. *Beehive*, September 11, 1869, account of a meeting to support the 'Land Tenure Reform Association.' This association did not go further than to claim for the State the 'unearned increment' that shall accrue *in the future*. But J. S. Mill remarks, in his preliminary statement of its aims, that 'an active and influential portion of the working classes have adopted the opinion that private property in land is a mistake, and that the land ought to be resumed and managed on account of the State, compensation being made to the proprietors.'—See prospectus in Brit. Mus. 8206, cc. 30. But the more common and accepted policy appears to have been that of facilitating the creation of a peasant proprietorship.—See Webb's *History of Trade Unionism*, p. 354.

<sup>2</sup> *Ibid.* p. 183.

ment, it is true, is still denounced ; the constitution of the House of Lords continues to 'outrage our moral sense ;<sup>1</sup> equality of political and social rights is claimed as vigorously as ever. But the various measures of reform which had been passed since the crisis of the Chartist movement<sup>2</sup>—the Repeal of the Corn Laws, and the introduction of Free Trade, the development of the Factory Acts, the extension of the franchise to artisans, and the legal security given to trade unions—such a series of measures as this could not fail to produce their effect on opinion. And we find, accordingly, as has been already observed, that the political ambition of the working class is no longer to monopolise the machinery of government. They claim only their fair share of influence in the State, and at times can even regard with a certain benevolence the classes which their predecessors in the thirties had conceived to be their natural and inveterate foes. 'Upon a review of the last ten years of our history in England,' says the '*Beehive*' in 1871, 'we working men are able to find reasons why we should not despair either of ourselves or of our country. If we have not obtained all we want or ought to have, a large instalment has been yielded to us, and the result of past efforts assures us that, if we do not secure the remainder, the blame will belong as much to ourselves—if not more—than to anybody else. It

<sup>1</sup> *Beehive*, July 29, 1871.    <sup>2</sup> The crisis I take to be the year 1839

is true that among the great ones of the earth some have but hindered under the guise of helping ; but on the whole we should be ungrateful did we not frankly acknowledge the effectual assistance which we have received from public men and eminent statesmen, who have shown that they have hearts as well as heads. Such co-operation with us and for us ought to fortify the dislike to all class legislation and to animate us with a reciprocal spirit of brotherly kindness.’<sup>1</sup>

For some years, then, before and after the Reform Bill of 1867 it appeared that the leaders of the working class were prepared to accept the existing social organisation, and to make the best of their position within the limits thus laid down ; that Mr. Bright was right when he asserted that the artisans were attached to private property, and Mr. Lowe wrong when he predicted a social revolution.

All the more striking has been the actual course of events. Not only has there been a revival of socialistic agitation, but it has been incomparably more clear in conception and more efficient in working out than the earlier movement of the period of the first Reform Bill. Then, as we saw, the formula of the nationalisation of all the means of production was enunciated only imperfectly and by isolated thinkers ; it was never adopted clearly as the ultimate end of the movement for political

<sup>1</sup> *The Beehive*, January 7, 1871, p. 8.

reform. Discontent with the social order was the basis of Chartism, but upon it there never supervened a clear and consistent view of the possible direction of economic change. It is otherwise with the socialist movement of our own epoch. For the first time the rigorous and uncompromising logic of Marx has been popularised in this country,<sup>1</sup> and the meaning of the nationalisation of land and capital pushed pertinaciously home. Not only, as in the earlier period, is the object avowedly pursued of securing for the working class the monopoly of political power, but the end to which that power is to be directed is distinctly and dogmatically defined. The new movement is not merely, like Chartism, a desperate rush for power, with a vague underlying belief that power may be used to put an end to poverty; it is a growing determination to take over the administration of central and local affairs and to direct it towards the realisation of a definite economic scheme.

Such, it may be fairly said, is the general character of the new socialism, whatever differences, and however important, may exist within the ranks of its supporters. On the political side

<sup>1</sup> It is true that leaders of the English trade unions were connected with the 'International Society' (founded in 1864), which was largely under the influence of Marx. But they do not appear to have imbibed its socialist principles. And, indeed, it was not till 1879, when the English working men had ceased to have any connection with it, that the Society adopted the full programme of nationalisation of all means of production. Cf. a note in Webb's *History of Trade Unionism*, p. 217.

all are agreed in urging the complete democratisation of all our institutions. Adult suffrage (including women and paupers),<sup>1</sup> payment of members and of election expenses, short parliaments, and the abolition of the House of Lords are included in the programme of the Fabian Society, no less than in that of the Social Democratic Federation; and in both cases these proposals are only the means to the establishment of a socialistic state. Such measures, as we read in 'Justice,' the organ of the Social Democratic Federation, 'are useful only in so far as they may help to put an end to the present daily confiscation of labour. For this object only shall we urge such political reforms.'<sup>2</sup> And the Fabian Society is even more explicit: 'Until the electorate consists of the whole adult population, and perfect freedom of choice of members, combined with the fullest control over their legislative action, has been secured through payment of members and their election expenses, and the second ballot, the people will be seriously handicapped in the promotion or enactment of those measures of social reform which will ultimately result in the socialisation of industry, and

<sup>1</sup> 'The paupers must vote because, since if the laws were just there need be no paupers, the paupers have the first right to a voice in altering the unjust laws by which they are the greatest sufferers.'—

*Fabian Tracts*, no. 11, p. 6. It might, perhaps, be plausibly maintained that if the laws were just there would be no criminals and lunatics. Would it follow that criminals and lunatics should have a vote?

*Justice*, no. 1, p. 4, January 19, 1884.

the establishment of the commonwealth on a co-operative basis, for which end alone political reform is of any value.'<sup>1</sup>

Here, then, is a precise exposition both of the general economic aim of the socialists and of the political means by which they propose to bring it about. And from the political point of view the programme is all the more significant because there is a tolerable chance that it may be realised. Since the time of the Chartist agitation a silent revolution has taken place. By successive extensions of the franchise and redistribution of seats the principle of adult (or at least of manhood) suffrage has come to be so far recognised in fact that a further extension of it is generally felt to be merely the logical corollary of what has been already done;<sup>2</sup> the payment of members and of election expenses has long been formally accepted as the policy of the Liberal party, and they have now declared for the abolition of the veto of the House of Lords. It is not impossible that, unless an unexpected reaction should set in, the political programme of the socialists will be realised, and they will be enabled to try the experiment of bringing to bear on the middle class the mass of unskilled and pauper labourers who are at present excluded from the franchise.

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<sup>1</sup> *Fabian Tracts*, no. 14, Introduction.

<sup>2</sup> According to the calculation of the Fabian Society, over two and a half millions of adult males are still excluded from the suffrage. —Tract 14, p. 4.

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The possibility of success in such an attempt appears to be more than doubtful, but it may be remarked that it would be facilitated by that development of local institutions which has been briefly described in a previous chapter. The popular councils, which have taken the place of the former aristocratic or middle class oligarchies, would be ready instruments in the hands of a Radical legislature; and it is, in fact, upon them, as we shall see, that the socialists rely for the carrying out in detail of their ideas.

If now we turn from the political to the economic propaganda of the modern socialists, we are struck not only by the precision with which they have formulated their general end—the nationalisation of all the means of production—but by their elaboration in detail of the particular measures by which, as they conceive, it may be gradually brought about. The programme of the Fabian Society, the most practical, and therefore the most influential, representatives of the school, includes (1891) a progressive tax upon all ‘unearned incomes’ (rising to twenty shillings in the pound), the taxation of ground values, the nationalisation of mining royalties and of railways and canals, the abolition of the duties on tea, cocoa, and coffee, and a constantly progressive increase of the death duties. The wealth thus transferred from individuals to the State is to be devoted to the municipalisation of the land and of local industries. ‘We want the

Town and County Councils elected by adult suffrage, and backed with the capital derived from the taxation of unearned incomes, and with compulsory powers of acquiring the necessary land upon payment of a reasonable consideration to the present holders, to be empowered to engage in all branches of industry in the fullest competition with private industrial enterprise. . . . We want to restore the land and industrial capital of the country to the workers of the country, and so realise the dream of the socialist on sound economic principles by gradual, peaceful, and constitutional means.’<sup>1</sup>

Not only, then, has the general formula of socialism been clearly enunciated, and its realisation defined as the end and aim of democratic institutions, but the steps in the process of transition have been planned and described. By an extension of the existing activities of the central and local authorities, by a gradual substitution which will eliminate the class without bearing intolerably on the individual, the community at large is to expropriate the capitalist and the landlord, and to take their property and their functions upon itself. The transition is conceived no longer as a leap in the dark, but as a progressive march. Socialism has been transformed from a revolutionary idea to a scheme of practical politics.

For it must be remembered that this new

<sup>1</sup> *Fabian Tracts*, no. 11.

movement is not merely an academic propaganda, which has not had, and is not likely to have, any effects on the actual course of events. On the contrary, it appears to have permeated and transformed the whole mass of the labouring population. Politically, as always, they urge the complete democratisation of the House of Commons; especially the payment of members, the reform of the registration laws, and the abolition of the veto of the House of Lords.<sup>1</sup> Economically, if the resolutions of the Trades Union Congress are any indication of working class opinion, they have completely abandoned the individualistic standpoint which they adopted between 1850 and 1880. The nationalisation of land, indeed, as we saw, has never ceased to find support among them; and in 1882 it was formally adopted by the Congress.

<sup>1</sup> See the *Reports of the Trades Union Congress*, from 1885 on. At the Congress of 1894 the following resolutions were passed:—(1) 'That this Congress tenders its thanks to those members of Parliament who have supported the principle of paying members of Parliament for their services, and hereby instructs the Parliamentary Committee of the Congress to do their utmost to get the question again introduced into Parliament with a view to its being legalised; coupled with the payment of returning officers' charges from the local rates.' The significance of this resolution was well brought out by the remark of one of the speakers, that 'one of the first things they had to fight for was the capture of the parliamentary machine.' (2) 'That this Congress strongly condemns the action of the House of Lords in mutilating that portion of the Bill determining employers' direct liability, and urges upon the workmen of the country to insist on the abolition of the unconstitutional veto power now vested in that irresponsible body of legislators.' See the *Report*, pp. 48 and 63. The Congress of 1895 also passed unanimously a motion for the abolition of the legislative power of the House of Lords.

The further extension of the principle to all the means of production was rejected in 1890 and 1892;<sup>1</sup> but in 1894 the Congress passed, by a majority of 219 to 61, the following resolution :—  
‘That, in the opinion of this Congress, it is essential to the maintenance of British industries to nationalise the land and the whole of the means of production, distribution, and exchange, and that the Parliamentary Committee be instructed to promote and support legislation with the above object.’<sup>2</sup>  
Whatever the ultimate effect of this resolution may prove to be, its meaning, on the face of it, is clear enough; the organised labour of the country stands committed to an uncompromisingly collectivist policy. To carry this out in detail they have only to ‘capture the parliamentary machine’; and we find them, accordingly, advocates of the payment of members and of the abolition of the veto of the House of Lords. The policy laid down by the socialists has thus been definitely adopted by the only body in the country which is competent to speak in the name of labour—that is to say, in the name of the vast majority of the nation. The significance of this fact it would be idle to deny, whether it be regarded with favour or the reverse. It is unreasonable to dismiss it as a temporary and abnormal phenomenon, to be attributed to some

<sup>1</sup> *Reports*, 1890, p. 36, and 1892, p. 46.

<sup>2</sup> *Report of 1894*. Since the above was written the Congress of 1895 has declined to confirm this resolution.

unaccountable aberration from sobriety in the minds of the working class. On the contrary, if we take into account the whole course of the labour movement, not only in England, but on the Continent, we shall rather be inclined to judge that the exceptional phenomenon is the individualist position known as the 'old unionism.' For, as we have already observed in detail, in the earlier years of the century there appeared, as an immediate result of the industrial revolution, an agitation essentially akin to that of our own time, though far less effective and intelligent, whose object was to secure for the working class the control of political power as the preliminary means to a social transformation. Extinguished for a time in England by the collapse of Chartism, the movement blazes out into conspicuous life upon the Continent. It was the soul of the French revolution of 1848. Shot down at the barricades in the days of June, stifled into silence under the empire, almost exterminated in the massacres that accompanied the fall of the Paris Commune, it is asserting itself at this moment in France through the most consistent and pertinacious of her ever-fluctuating factions. In Germany, whence it received its most complete and definite formula, it is increasing in power and numbers every year. In Belgium it has almost extinguished the Liberal party. And the English working class, in adopting it again, after the interval of a generation, with

wider knowledge and with clearer aims, are merely bringing themselves into line with the normal development of the century. In so doing they are giving their reply, in no uncertain terms, to the question, What is the meaning of democracy? The governing classes, as we saw, for the last seventy years, have been deliberately abdicating their position, without ever forming any clear conception of the movement in which they have allowed themselves to be involved. But the mass of the people into whose hands, in the course of devolution, the government will fall, are daily becoming more and more aware of what they mean to do with their power. The working class is ranging itself against the owners of land and capital. The nation is dividing into two antagonistic sections, and it is to one of these sections, that which is numerically the larger, that must fall, according to the democratic theory of government, the absolute monopoly of power. It is in this situation that resides the political problem of the English democracy, a problem which it will be the object of the following chapter to examine more nearly.

## CHAPTER V

*THE PRESENT SITUATION*

HAVING now briefly traced the process of the democratisation of Parliament, and having indicated the main issue, in domestic politics, which the process has brought into prominence, I propose, in the present chapter, to offer certain considerations upon the central machinery of Government in connection with the socialistic tendencies which have just been examined.

The conception of a fundamental division of society into the two antagonistic classes of labourers and capitalists, or, more generally, of the poor and the rich, admits, I am aware, of only a limited application ; but as it is the basis of revolutionary socialism, it may be interesting to examine its bearing on the theory of democratic government. The aim of the modern socialists, as we have seen, is to develop to its logical conclusion the political machinery of democracy, and then to utilise it to effect a social revolution. Universal suffrage, payment of members and of election expenses out of public funds, and the abolition of the House of Lords, would give, it is supposed, to the more

numerous of the two classes into which, on this hypothesis, the nation is divided, the unconditional and absolute control of the legislature ; they would therefore be able to effect, without further difficulty or scruple, a fundamental change in the tenure of property.

Stated thus crudely and frankly, but not, as I believe, unfairly, this conception appears to me to be a *reductio ad absurdum* of the whole theory of democracy, so far as it is held in any absolute sense. It is not true, and it never has been and never will be true, that the majority have either the right or the power to do anything they choose, in defiance of the claims or the wishes of the minority ; and if ever a serious attempt were to be made to carry out the policy of the Socialists, the only result would be the breakdown of government altogether. Government by the majority is a convenient means of conducting national affairs, where and in so far as there is a basis of general agreement deeper and more persistent than the variations of surface opinion ; but as soon as a really fundamental point is touched, as soon as a primary instinct, whether of self-preservation or of justice, begins to be seriously and continuously outraged, the democratic convention gives way. No minority, for example, even in a compact modern State, either would or ought to submit to a decision of the majority to prohibit the exercise of their religion. Such a decision could only be

what ?  
how ?

carried into effect by force, subject to the contingency of armed rebellion; and orderly government would dissolve into veiled or open civil war. Similarly, and in spite of the optimism of Home Rulers, it is perfectly possible that in the case of a population as heterogeneous as that of Ireland, the attempt to introduce the system of government by the majority might really drive the minority to rebellion.

It is the presupposition of all democratic government that certain principles, tacitly understood if not precisely formulated, will in practice be observed by any party that may be in power. Such a principle, in the present condition of society, is undoubtedly the rule on which every man relies that private property shall not be appropriated by the State, except for what are generally recognised to be desirable public ends, and on the payment of a reasonable compensation. And, in my opinion, the realisation of the political ideal of the extremer Socialists, and the attempt by that particular method to effect a social revolution, without any fair consideration for the claims of owners of property, would simply result in the collapse of the whole convention on which the possibility of government depends.

Let us turn, however, from this somewhat abstract possibility, to the actual condition of affairs in England.

In the last chapter we were led to a general

conclusion, which, however, must be received with certain qualifications. The secession of the Boiler-Makers from the Trades Union Congress in consequence of the socialistic resolution of 1894<sup>1</sup> is a phenomenon whose significance cannot be overlooked; and it is possible that as a clearer conception is reached of all that is involved in collectivism such dissensions in the ranks of labour will become increasingly acute. But, after making every allowance, I think it may be reasonably anticipated that one of the great questions of the future will be the distribution of property, and that, within certain limits, the tendency will be for the nation to divide itself into the two antagonistic classes of the rich and the poor. I may add that, personally, I have no desire to shirk this issue. I think it quite possible that indefinite modifications may be introduced, with advantage to the nation, into the present system of producing and distributing wealth; but I think also that the possibility of effecting any really beneficial change depends very largely on the character of the political machinery employed. At present, in spite of the changes in its constitution described in a previous chapter, the House of Commons is still controlled by the propertied classes. For this fact various reasons may be assigned. Bribery, no doubt, goes for something,

<sup>1</sup> The resolution, as has already been noted, was not confirmed by the Congress of 1895; but a motion was passed in favour of the nationalisation of land, minerals, and railways.

in spite of the stringent laws ; but the determining factors, I suppose, are the expenses entailed on candidates and members, and (partly as a consequence of this) the defective organisation of the working class. But these are conditions that are not likely to continue long. A serious attempt is already being made to organise an independent labour party ; and the payment of members and of election expenses out of public funds would completely revolutionise the situation. For any arrangement which would really and freely admit the working class into Parliament would also end by giving them a majority there ; and that is the consummation to which we must look as the result of the complete democratisation of the House of Commons. In any case, what we have to expect is a representative House divided into parties so radically and fiercely opposed that they might more properly be described as factions, and contending over that issue of property which, as all experience shows, is felt by the average man as the most vital and the most personal of all that affects him.

Whichever faction might predominate in such a contest, I do not think it probable that a settlement would be reached which would be either reasonably fair to those who were defeated, or satisfactory to the community at large. The condition of a tolerable settlement, as it appears to me, is that all the interests concerned should not only be represented in the House, but should also

be able to count on a reasonable consideration being shown to their claims. This is a condition which it becomes more and more difficult to fulfil as the issues become more and more acute and personal; and the difficulty is further increased by the change that has taken place in the relation of a member of Parliament to his constituents. For, as we have seen, the 'representative' has been converted into the 'delegate'; he is no longer free to modify his views under the influence of debate, or of personal contact with members of the opposite party; he is sent up to vote for certain measures, and if he has the originality and force to change his views, his only course is not to act upon them, but to resign. Such a development goes far to abrogate what was, in earlier times, one of the best guarantees for the practical wisdom of the House. Bagehot, writing before the Reform Bill of 1867, points out that a main reason why the House of Commons was able to govern the country at all was the fact that the majority of its members were practical men of business, following freely their own judgment through a maze of conflicting probabilities; and this condition, he says, would be destroyed were the constituencies to govern instead of their representatives; for 'the feeling of a constituency is the feeling of a dominant party, and that feeling is elicited, stimulated, sometimes even manufactured, by the local political agent. Such an opinion could not

be moderate, could not be subject to effectual discussion, could not be in close contact with pressing facts, could not be framed under a chastening sense of near responsibility, could not be formed as those form their opinions who have to act upon them.

4 Constituency government is the precise opposite of parliamentary government. It is the government of immoderate persons far from the scene of action, instead of the government of moderate persons close to the scene of action; it is the judgment of persons judging in the last resort, and without a penalty, in lieu of persons judging in fear of a dissolution, and ever conscious that they are subject to an appeal.'<sup>1</sup>

But the condition which Bagehot feared is practically becoming established. More and more every year the constituencies, or rather the caucuses, do actually dominate the House, and, as a direct consequence, the debates in Parliament are coming more and more to be regarded as mere dialectical exercises. The party that may happen to be in power is beginning to act upon that hypothesis; opposition is labelled obstruction, and put down by the gag; and the only effect of a debate is to excite passion to that fever-point at which the decision of the majority is felt by their opponents not as a national award but as an arbitrary and tyrannical exercise of brute force.

As a set-off against this increasing degrada-

<sup>1</sup> 'English Constitution,' No. 5.

tion of the House of Commons, it is said that the issues have been previously discussed before the electorate, and that to debate them in Parliament is merely a tiresome repetition. But what does a discussion before the electorate really mean? Even supposing a question were to be presented to the country singly, and on its own merits—a condition which does not practically occur—what kind of a presentation is it after all? The voters of either party read the journals, and listen to the speeches of their own orthodoxy; there is no real clash of argument, no compulsion to understand and face the other side. What does the Radical artisan know of the 'Times,' or the country squire of the 'Daily Chronicle' or the 'Star'? The art of the journalist and the politician is, at best, to make it appear that arguments have been met, which it has been predetermined shall not be even examined; and discussion before the country, broadly speaking, means little more than the repetition from a thousand platforms and leading articles, to masses of electors on one side or the other, of the views which their own party-chiefs have decided that it will be possible and desirable to make them appear to believe.

If this account be accepted as even approximately true, and I do not see how it can be fundamentally denied, it is clear that a discussion before the electorate can never be a satisfactory substitute for a full and free debate in

Parliament among men both willing and able to receive instruction from their opponents. But such debate, as we have seen, is becoming increasingly impossible. And the conclusion to which I am driven is, that the House of Commons is becoming an assembly increasingly unfit to deliver a final and national award on any issue which profoundly stirs and divides the passions of the people. For it will, I believe, be admitted by any man of common sense that in a free country, and in the case of an acute division of opinion, the solution which it is desirable to obtain is not that of either party in the dispute, but that which the cooler heads on both sides would be willing to accept as practically reasonable under all the circumstances, having regard both to the arguments and to the forces of the combatants. And though in minor matters, no doubt, such a solution may be roughly attained by the clash of opinions and votes in the representative House, yet I have given reasons for thinking that in the case of a really democratic assembly, having to deal with the fundamental question of property, it would be difficult, if not impossible, for the party that might be in a minority to obtain a fair consideration for its claims.

If there be anything in the preceding argument it will appear that we are thrown back, as the only possible remedy for the evils indicated, upon some kind of Second Chamber. Here, however, we are

met by various difficulties and objections. Of these, the most fundamental is based upon the democratic theory itself. The will of the people, it is said, must be supreme; that will is expressed in the representative House; and to subject its decision to the approval of some co-ordinate authority is to subvert the foundations of popular government.

Accepting, for the moment, the postulate that the will of the people must be supreme, and passing over the tacit assumption that the people is identical with the majority, let us consider, to begin with, whether it is really true that the will of the majority is expressed in the representative House. Clearly, if their will is ever to be ascertained on any particular question, that question must be submitted to them by itself and on its own merits. Under our present system, not only is this not done, but it is deliberately avoided.

Let us consider what happens at a general election. A number of measures, not necessarily connected by any common principle, are adopted by one or other of the great parties and submitted to the electors. Each of these measures is calculated to attract some section or other of the people; to the rest each section may be indifferent or even opposed. But it is necessary to vote for all or none; either to reject what you do want, or to take with it what you do not. The result is that a majority is returned pledged to a whole programme,

of which possibly no single item is approved by a majority of the nation. Of these tactics the election of 1892 was a striking example. The Liberals went to the country with a batch of measures, of which Home Rule, the disestablishment of the Welsh Church, and the creation of Parish Councils were only three of the more prominent and important. The constituencies voted according to their predilections; Wales was interested primarily in the disestablishment of the Church, London in a progressive municipal policy, the agricultural labourers in parish councils, the town artisans in Employers' Liability, the miners in the Eight Hours Bill; and, as the result of the whole process, a Liberal majority was returned. What had this majority a 'mandate' to perform? All these things, or none of them? Surely, on the democratic theory, none. For on no single issue had the will of the people been fairly ascertained. All that was really certain was that the majority of the constituencies had voted positively for one or other item in the programme, and had been content negatively to acquiesce in the rest.

The statement, then, that the House of Commons represents the people is only true in a certain modified sense. It does not mean that the principle of every bill which may be carried through the House has been considered, weighed, and accepted with full responsibility by the

majority of the electors. It may mean merely that every section has been so much pre-occupied with the measure immediately affecting its own interests that it has been ready to allow all the others to pass without a protest.

Particularly will this be the case when one of the measures submitted to the electors is at once so complex in its issues and so remote in its effects that it requires the imagination of a statesman to comprehend and weigh its real bearing on the common good. The elector will dismiss with impatience what he cannot understand and what does not appear to affect his immediate interest; and a party may return to the House with what it calls a mandate from the people to perform what the people have never taken the trouble to consider at all.

Precisely such a measure was that of Home Rule for Ireland; and precisely such a mandate, I believe, had the Liberal party to carry it. But whether this was so or not, the general situation is clear enough. With the present method of employing the democratic machinery it is possible that bills of the first importance may be passed by the House of Commons on the strength of a passive acquiescence on the part of the electors, which may merely indicate not that they approve but that they have not seriously thought about the matter at all.

To say that, under such conditions, the House

of Commons represents the will of the people, even if 'the people' be identified with the majority, is to employ an empty and sophistical phrase. Nor can I conceive upon what grounds, democratic or other, the devolution upon such an assembly of supreme and absolute power can be seriously contemplated by any reasonable man. Some check, clearly, is demanded; and from the democratic point of view, the most obvious check would be the 'Referendum.' This would, at any rate, ensure two great advantages: first, that the issue to be decided would be placed fairly before the electors; secondly, that under the necessity of voting for a single definite point they might be driven to realise their own responsibility. If people are to govern themselves, they ought at least to know what they are doing and take the consequences. Nothing could be more demoralising than a system which vests the responsibility nowhere, but allows the representatives to toss it to the electors, on the plea that they have received a 'mandate,' and the electors to return it to the representatives on the plea that it was not to that particular question that they intended the 'mandate' to apply. So essential, indeed, is the Referendum to the complete theory of democracy, that when we find a hesitation on the part of democrats to apply it, it is difficult to avoid the conclusion, so forcibly suggested by history, that after all, a democrat, as a rule, is only a Jacobin in disguise.

The introduction of the Referendum would counteract some of the disadvantages of the present system ; but there is one which it would only exaggerate. It would diminish still further the importance of the debates in Parliament, as a reconciling and sobering influence, and throw the ultimate decision more and more into the hands of 'immoderate persons far from the scene of action.' And, in any case, from my own point of view, it would not be sufficient, by itself, to remove the disadvantages of government by a single representative House. It would ensure, no doubt, so far as machinery could do it, the prevalence of the will of the majority ; and from the standpoint of a democrat that is all that is to be desired. But, for my own part, I am not a democrat, and have no desire to see the democratic theory prematurely applied in its completeness. I think that points may easily arise, and those of the utmost importance, on which it would not be desirable that the 'will of the people,' even if it had been ascertained, should be obeyed. The unity and the security of the nation appear to me to stand above any temporary expression of the national will ; nor do I understand how anyone can be regarded as in any sense the friend of the people, who is so pedantically set upon their doing what they like that he does all he can to facilitate their suicide. On the contrary, I believe there may be occasions when it would be the duty of any minority, having the

power, deliberately and obstinately to thwart the 'will of the people.' Suppose, for example, that a majority composed mainly of wage-labourers should declare in favour of a universal eight-hours' day, in the face of a minority including all the political economists and the intelligent and active business managers ; or suppose that a majority composed of people who have never been out of England should vote for the introduction of the democratic principle into the government of India, in the teeth of the opinion of all Indian experts ; in any such case, or in cases less extreme on the same lines, even supposing the majority to have voted fairly by Referendum, I should think it essential that they should not be allowed to have what they want ; and, should consider those to be the patriots and statesmen who would do their best by every means in their power to thwart and oppose the realisation of the 'national will.' Such examples, it may be said, are forced and improbable. I think, myself, that they may serve to suggest real possibilities. But however that may be, if we return to the point from which this whole discussion started, the tendency to a political division of the nation into the rich and the poor, it appears to me not unreasonable to anticipate that, under the government of a single representative House, economic measures might be adopted by the majority which were neither sound in themselves nor fair to the present holders of property. I do not think that the sanc-

tion of such measures by a direct reference to the people would make it desirable and safe that they should pass into law; and I therefore consider it essential to retain an upper House with power not only to revise but to veto bills passed by the Commons.

It is said sometimes that on really important questions it would be impossible for any non-elected House to resist the will of the people, deliberately expressed, however disastrous the decision at which they might have arrived. I should doubt whether the popular will, except under very exceptional circumstances, is ever so rigid and final in its choice as this objection appears to presuppose. The intervention of a second chamber which had any title to respect would be in itself a modifying factor on opinion; for if there are some whom opposition confirms in their views, there are others whom it induces to reconsider them; and there are many, and these perhaps the most valuable members of the State, who would rather acquiesce in a defeat than invite a revolution. And especially would this be the case if it were recognised that the minority was a compact and powerful body, far more important for their real capacity and weight than their merely numerical inferiority might seem to suggest. Under such conditions I see no reason why a competent Upper House should not be strong enough, in a really critical case, either to override

altogether the popular decision or to compel some reasonable compromise.

The position, then, to which I am driven, as the result of these considerations, is briefly as follows. To abolish the veto of the Upper House, while leaving the representative machinery unreformed, would be an absurdity even from the democratic point of view. For the House of Commons does not and cannot fairly represent the people; and any Second Chamber, however bad, would be better than none, when the alternative is the supremacy of the majority of a body of delegates returned more or less by accident, and imbued with the unfortunate idea that they have received a mandate to carry into law a whole series of measures, not one of which has been fairly and singly presented to the electorate. On the other hand, to propose the political annihilation of the Upper House under the condition that the machinery of the Referendum should be introduced, would be at least an intelligible policy. It would not, however, be one which personally I should be prepared to accept, because I do not believe the time is ripe for an uncompromising application of the democratic ideal. I should, therefore, propose to retain the Upper House, with all its present powers, and to make it as good a House as possible.

For that if we are to have an Upper House at all it must be the House of Lords, reformed or

unreformed, appears to me to be an axiom of practical politics. I cannot imagine that it would be possible, and I certainly do not think it would be desirable, to create any sort of brand-new second chamber, whether on an electoral or any other basis. The only real question appears to be whether the House of Lords can and ought to be reformed.

Let us examine the objections that may be brought against its present constitution. The first and most fundamental of these is that it is based on the principle of heredity. That is a principle which cannot, I think, in theory be defended, though it has two great advantages: the first, that it is respected in the country; the second, that it is free from the particular defects which attach to the principle of popular election. Personally, however, I should be perfectly prepared to welcome its abolition, and the substitution of life peerages.

The second objection is, in my opinion, a more serious one—that the House of Lords is, in effect, a House of landlords. For although, as I have indicated, I do not think it has been made out that their action has been commonly dictated by the narrow spirit of a class, and although I believe the landed aristocracy to be far more generous and public-spirited than the commercial plutocracy which is thrusting them aside, yet I think it a serious evil, when questions of property are coming

to the front, that the Upper House should be mainly composed of those who to some extent are, and to a far greater extent are supposed to be, the representatives and champions of a wealthy caste. For, according to my view, the function of the Upper House is not to protect the 'interests' from attack, but to deliver that larger national solution of the issues that may be raised between them and the mass of the people which it is becoming increasingly difficult to evolve out of the machinery of the House of Commons. As the Commons tend more and more to represent the forces of the country, the Lords should tend more and more to represent its wisdom; and it is, I conceive, from this point of view that reform should be introduced.

The details of such reform must be evolved by practical statesmen, and there are already schemes enough before the country. But the whole question is complicated by a consideration more important than any which I have raised, and upon which, in conclusion, I can only briefly touch. The point of view which I have taken throughout has been that of domestic politics, and I have given my reasons, from that side alone, for supporting the privileges and powers of the Upper House. If, however, the question were to be approached from the point of view of the empire, I cannot but think the case would be enormously strengthened. For then we should have to face the fact, so difficult for us to realise, that this England, with whose internal

transformation we are so exclusively preoccupied, is the centre of a whole system of subordinate States; that the government which we are reconstructing at home on the lines of the democratic creed, in India is, and must remain, a military despotism; that the people who in Europe are professors of humanitarian and cosmopolitan ideals in Africa proceed, and are bound to proceed, by the elemental brutality of war. The head belongs to the nineteenth century, the extremes to the dark ages—there is the paradox of the British Empire. But what a paradox to be presented to a young democracy! What a contradiction to reconcile! What a problem to solve!

Of the nature of that problem, and the method by which it may be solved, it is not too much to say that the English people have hardly as yet the glimmering of an idea. At present they are content to let it alone, which is perhaps the best thing they can do; for it is something to maintain the *status quo*. But even to this the development of democracy at home may be a serious menace. For as the 'people,' in that narrower sense in which they are differentiated from the 'classes,' begin really to feel their new power, what is likely to be their first impression of the empire they are called upon to control? As they come to political consciousness, the first conception to which they attain is that of themselves as a separate Order in the State; the first

end which they seek is their own economic emancipation. In this task they are dominated exclusively by the democratic ideal. Self-government is an axiom to them, not only of here and now, but of every time, of every place, of every set of circumstances; and about it centres not only their intellectual creed, but those enthusiastic emotions of justice through which they are stirred and led. When, therefore, from this engrossing pre-occupation with the immediate interests of their Order, their attention is called to the larger problems of the Empire, in what temper are they likely to approach them? Ignorant of history, untrained in the larger art of politics, and confined at once by their experience, their interests, and their sympathies to the particular methods and conceptions which are adapted to the ends of their class, will it not be their natural impulse either to abandon an inheritance which will appear to them at once as a burden and an iniquity, or to ruin it by a *doctrinaire* application of the ideas by which they are guided in their policy at home?

To this it may be replied that the people are open to instruction, that their fundamental reasonableness is the presupposition of democracy, and that, if they cannot be trusted to go right of themselves, no political machinery will keep them from going wrong. These propositions, in general, I am not concerned to deny; but I do not think they meet the present case. What we have imme-

diately to deal with is not a democracy perfected and trained, but one which is only struggling into existence. In the transition peculiar and temporary problems arise. An empire acquired and organised by a strong and homogeneous aristocracy has to pass into the keeping of a nation increasingly engrossed by an economic feud, whose tendency is at once to destroy the sense of corporate unity, and to vitiate the sanity and strength that should be brought to bear on imperial affairs. Under such conditions, I do not believe that the democratic House will be a body competent to direct the destinies of the Empire.

On the contrary, I believe that they might far more safely be entrusted to the House of Lords.

For the very conditions which have caused the peers to mistrust the development of democracy at home are precisely those which qualify them to conduct imperial affairs. Just because they are the hereditary representatives of the statesmen of the eighteenth century; just because they are independent of popular election; just because they are able to discuss each question upon its merits, independent of the necessity of conciliating a heterogeneous party; just for that very reason it is that in questions where their interests as a class are not involved, they are likely to judge better, and not worse, than the representative House. They have the sense of continuity which the Commons tend to lack; they have the dispas-

sionate leisure for judicial and prescient choice ; above all, by virtue of their removal from the arena of party strife, they have the sense of proportion to weigh partial and temporary claims against the permanent and abiding interests of the whole.

It appears to me, then, that even although the House of Lords were really as obstructive an agency in domestic politics as it is believed by the Radical party to be, yet it would be unworthy of a statesman to propose the modification or abolition of its powers without a fundamental consideration of the problem from the imperial point of view.

For even if it were reasonable to entrust the fortunes of England to the exclusive keeping of the House of Commons, it may well be doubted whether it would be reasonable to devolve upon the same authority the larger fortunes of the British Empire. There are colonists to whom the House of Lords is more venerable than the House of Commons ; to whom it represents the continuity and the splendid achievement of the English race, and who owe to it an allegiance which they would never be prepared to extend to an elected House essentially similar to the legislatures of which they have experience at home.<sup>1</sup> Any proposed reconstruction of the House of Lords or of its powers is bound to take account of this view ; and until we can see our way to the creation of a satisfactory machinery for the government of the Empire we may well

<sup>1</sup> See the 'Baronage and the Senate,' by W. C. Macpherson.

hesitate to tinker at the Constitution merely because we are in a hurry over our domestic affairs.

The considerations which I have advanced in this chapter do not perhaps necessarily lead to the conclusion which I have drawn from them; other people, reasoning on the same probabilities and facts, may arrive at a different opinion. But of one thing I am sure, that the considerations themselves ought to be taken into account; that they are ignored or kept in the background by the Liberal party; and that the present agitation against the House of Lords, on the lines on which it is being conducted, is as frivolous and short-sighted a piece of rhetorical folly as is to be found in the annals of modern politics.



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## INDEX OF AUTHORS.

	Page		Page		Page		Page
Abbott (Evelyn) -	2, 13	De la Saussaye (C.) -	24	Lear (H. L. Sidney) -	22	Ronalds (A.) -	9
— (T. K.) -	10	Deland (Mrs.) -	15, 20	Lecky (W. E. H.) -	3, 14	Roosevelt (T.) -	3
— (E. A.) -	10	Dent (C. T.) -	8	Lees (J. A.) -	7, 21	Rossetti (M. F.) -	21, 23
Acland (A. H. D.) -	2	De Salis (Mrs.) -	21	Lemon (Ida) -	16	Saintsbury (G.) -	9
Acton (Eliza) -	21	De Tocqueville (A.) -	3	Leonard (A. G.) -	23	Scholler (L. W.) -	24
Acworth (H. A.) -	14	Devas (C. S.) -	11	Lewes (G. H.) -	11	Scott-Montagu (Hon. J.) -	9
Æschylus -	13	Dougall (L.) -	15	Lodge (H. C.) -	3	Seeborn (F.) -	4, 5
Allingham (W.) -	14, 22	Dowell (S.) -	12	Loffie (W. J.) -	3	Selous (F. C.) -	8
Anstey (F.) -	15	Doyle (A. Conan) -	16	Longman (C. J.) -	8, 9, 23	Sewell (Eliz. M.) -	17
Aristophanes -	13	Ewald (H.) -	9	Longman (F. W.) -	3	Shakespeare -	15
Aristotle -	10	Falkner (E.) -	9	Lubbock (Sir John) -	13	Shand (A. J. I.) -	6
Armstrong (E.) -	2	Farnell (G. S.) -	13	Lyall (Edna) -	16	Sharpe (R. R.) -	4
— (G. F. Savage) -	14	Farrar (Dean) -	12, 16	Lyttelton (Hon. R. H.) -	8	Shearman (M.) -	8
— (E. J.) -	5, 14, 22	Fitzpatrick (W. J.) -	3	Lytton (Earl of) -	14	Sheppard (Edgar) -	4
Arnold (Sir Edwin) -	6, 14, 20	Fitzwygram Sir F. -	7	Macaulay (Lord) -	4, 14, 21	Sinclair (A.) -	8
— (Dr. T.) -	14	Ford (H.) -	9	Macdonald (George) -	24	Smith (R. Bosworth) -	4
Ashley (W. J.) -	12	Fowler (Edith H.) -	16	Macfarren (Sir G. A.) -	23	— (W. P. Haskett) -	7
Astor (J. J.) -	15	Francis (Francis) -	9	Macfall (J. W.) -	9	Solovyoff (V. S.) -	23
Atelier du Lys (Author of) -	20	Freeman (Edward A.) -	3	Macleod (H. D.) -	12, 21	Sophocles -	13
Babington (W. D.) -	13	Froude (James A.) -	3, 5, 7, 16	Macpherson (H. A.) -	9	Soulsby (Lucy H.) -	19
Bacon -	5, 10	Furneave (W.) -	17	Maher (M.) -	11	Stanley (Bishop) -	18
Bagshot (W.) -	5, 12, 22	Gardiner (Samuel R.) -	3	Marbot (Baron de) -	5	Steel (A. G.) -	8
Bagwell (R.) -	2	Gerard (D.) -	16	Marshman (J. C.) -	5	— (J. H.) -	7
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— (Sir S. W.) -	6, 8	Gleig (G. R.) -	6	Maudslayi (S.) -	19	Stephens (H. Morse) -	4
Balfour (A. J.) -	8, 24	Goethe -	14	Max Müller (F.) -	11, 12, 23, 24	Stevens (R. W.) -	23
Ball (J. T.) -	2	Graham (P. A.) -	17	May (Sir T. Erskine) -	4	Stevens (W. W.) -	6
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Barnett (S. A. and Mrs.) -	12	Green (T. Hill) -	10	Melville (G. J. Whyte) -	16	Stock (St. George) -	11
Battye (Aubyn Trevor) -	22	Greville (C. C. F.) -	3	Mendelssohn (Felix) -	23	'Stonehenge' -	7
Baynes (T. S.) -	22	Grey (Mrs. W.) -	20	Merivale (Dean) -	4	Stuart-Wortley (A. J.) -	9
Beaconsfield (Earl of) -	5	Grove (F. C.) -	8	Mill (James) -	11	Sturges (J. W.) -	4
Beaufort (Duke of) -	3	Gwilt (J.) -	22	— (John Stuart) -	11, 12	Sturgis (J.) -	15
Becker (Prof.) -	3	Haggard (H. Rider) -	16, 20	Milner (G.) -	5	Suffolk & Berkshire (Earl of) -	8
Beesly (A. H.) -	14	Halliwell-Phillips (J.) -	5	Molesworth (Mrs.) -	19	Sullivan (Sir E.) -	8
Bell (Mrs. Hugh-) -	14	Hapgood (Isabel) -	7	Montague (F. C.) -	4	Sully (James) -	11
Bent (J. Theodore) -	6	Hart (A. B.) -	22	Moore (J. W.) -	4	Sutherland (A. and G.) -	5
Besant (Walter) -	2	Harte (Bret) -	16	Murdoch (W. G. Burn) -	17	Suttner (B. von) -	17
Bickerdyke (J.) -	9	Hartwig (G.) -	17, 18	Murray (R. F.) -	15	Swinburne (A. J.) -	11
Boase (C. W.) -	3	Hassall (A.) -	5	Nansen (F.) -	7	Symes (J. E.) -	12
Boedder (B.) -	11	Hawker (Col. Peter) -	9	Nesbit (E.) -	15	Thomson (Archbishop) -	11
Boulton (Helen M.) -	15	Hayward (J. M.) -	18	O'Brien (W.) -	4	Todd (A.) -	5
Boyd (A. K. H.) -	5, 22, 24	Hearn (W. E.) -	8	O'Leary (Mrs.) -	16	Toynbee (A.) -	12
Brassey (Lady) -	6	Helmholtz (J. M. & C. G.) -	18	Onslow (Earl of) -	8	Travels (Sir G. O.) -	5
— (Lord) -	2, 6, 8, 12	Helmholtz (Hermann von) -	18	Osbourne (L.) -	17	Trolope (Anthony) -	17
Bray (C. and Mrs.) -	10	Herbert (W. V.) -	3	Parr (Louisa) -	22	Tyrrill (R. Y.) -	13
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Buckle (H. T.) -	2	Hodgson (Shadworth H.) -	10	Payne-Gallwey (Sir R.) -	8, 9	Verney (Frances P. and	
Bull (T.) -	21	Hooper (G.) -	5	Peary (J. and R.) -	7	Margaret M.) -	6
Burke (U. R.) -	2	Hornung (E. W.) -	16	Peck (H.) -	15	Virgil -	13
Burrows (Montagu) -	3	Howitt (W.) -	7	Phillips (M.) -	24	Wakeman (H. O.) -	5
Bury (Viscount) -	8	Hudson (W. H.) -	18	Phillips-Wolley (C.) -	8, 16	Walford (Mrs.) -	6, 17
Butler (E. A.) -	17	Hume (David) -	10	Piatt (S. & J. J.) -	16	Walker (Jane H.) -	22
— (Samuel) -	22	Hunt (W.) -	3	Pole (W.) -	9	Walpole (Spencer) -	5
Campbell-Walker (A.) -	9	Hutchinson (Horace G.) -	8	Pollock (W. H.) -	8	Walsingham (Lord) -	8
Chesney (Sir G.) -	2	Ingelov (Jean) -	14, 20	Poole (W. H. and Mrs.) -	22	Walter (J.) -	6
Cholmondeley-Pennell (H.) -	8	James (A. C.) -	22	Poore (G. V.) -	23	Watson (A. E. T.) -	8, 9
Cicero -	13	Jeffries (Richard) -	21, 23	Prendergast (J. P.) -	4	Webb (S. and B.) -	12
Clarke (R. F.) -	11	Johnson (J. & J. H.) -	23	Pritchett (R. T.) -	8	Weir (R.) -	8
Clegg (J. T.) -	13	Joyce (P. W.) -	10	Prince (Helen C.) -	13	West (B. B.) -	17, 23
Clood (Edward) -	13	Justinian -	3	Proctor (R. A.) -	9, 18, 23	— (C.) -	22
Clutterbuck (W. J.) -	7	Kalisch (M. M.) -	24	Raine (James) -	3	Weyman (Stanley) -	17
Comyn (L. N.) -	20	Kant (I.) -	2	Ransome (Cyril) -	2	Whately (Archbishop) -	11
Cochrane (A.) -	14	Kendall (May) -	14	Rhoades (J.) -	13, 15	Wilcocks (J. C.) -	9
Conington (John) -	13	Killick (A. H.) -	10	Rhoscomyl (O.) -	16	Wilkins (G.) -	13
Conybeare (W. J.) -	22	Kitchin (G. W.) -	3	Rich (A.) -	23	Willich (C. M.) -	19
— (Samuel) -	22	Knight (E. F.) -	7, 21	Richardson (Sir B. W.) -	13	Wilson (A. J.) -	12
Cox (Harding) -	8	Köstlin (J.) -	11	Rickaby (John) -	11	Wolff (H. W.) -	5
Crake (A. D.) -	19	Ladd (G. T.) -	11	— (Joseph) -	11	Woodgate (W. B.) -	8
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INDEX OF AUTHORS . . . . .	1	VETERINARY MEDICINE, ETC. . . . .	7
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